

AN
ESSAY
ON THE
SIMONY
AND
SACRILEGE
OF THE
BISHOPS of *Ireland*,
Together with some
PROPOSALS
FOR
REDRESS of the SAME,
And some other
ECCLESIASTICAL ABUSES.
WITH A
PREFATORY LETTER to the
LORD PRIMATE of IRELAND.

Offered in most humble Manner to the Consideration of
the Honourable the HOUSE OF COMMONS of *Ireland*

By JAMES READ, D. D.

Nunquam magis periclitatur Ecclesia, quàm inter Reveren-
dissimos.

LONDON,

Printed for JOHN WHISTON at Mr. Boyle's Head in
Fleet-Street, and sold by J. ROBERTS at the Oxford
Arms in *Warwick-Lane*. MDCCXXXVII.

Price 2s. 6d.

1. The first part of the document is a list of names and addresses, which appears to be a directory or a list of contacts. The names are written in a cursive script, and the addresses are listed below them.

~~put into your Grace's hands about Vo-~~
~~lume 2. 1731. as I have been told.~~

I will not give myself the trouble
 of enquiring by what means I lost that
 copy, or by whom it was put into your

Most Reverend Father in God,
HUGH Lord Archbishop
 of *Ardmagh*, Metropolitan
 of *Ulster*, and Primate of all
Ireland.

My Lord,

YOUR Lordship and my Read-
 ers will probably be much sur-
 prised, to find your name pre-
 fixed to a Letter in an Essay, in which
 there are many severe strictures on the
 conduct of our *Irish* Bishops, of whom
 your Grace is supreme.

But the Surprise will, I suppose, van-
 ish, when your Grace remembers, and
 they are informed, that a true copy
 (bating some small alterations and ad-
 ditions since made) of this Essay was

put into your Grace's hands about *November 7, 1731.* as I have been told.

I will not give myself the trouble of enquiring, by what means I lost that copy, or by whom it was put into your Grace's hands; but it seems to me evident at first sight, that it was done in favour of the order of Bishops, (which sufficiently atones the fault to me) that your Grace from thence and the other Bishops by your communication thereof, seeing what might be justly objected to their conduct, might take the reformation of those abuses into their own hands; and so without noise, almost without observation, might, by proper laws, expunge those blemishes, that have long clouded the beauty of our Ecclesiastical constitution, and furnished its enemies with an handle for calumny and reproach.

This must, I believe, have been the design of conveying that copy to your Grace, and was, I assure you, very agreeable

greeable to my own desires and inclinations.

Whether your Grace perused it, or communicated it to the other Bishops, I know not.

But as there hath been no redress of the many grievances and abuses therein complained of, yet obtained, but many attempts to the further prejudice of the inferiour Clergy have since been made by their Lordships; I hope impartial persons will not blame me, if I now, in behalf of myself and the rest of the inferiour Clergy of *Ireland*, who believe themselves injured thereby, apply elsewhere for relief; and with all humility submit this Essay to the Consideration of the Honourable House of Commons of *Ireland*. I am with great respect,

Your Grace's

Most dutiful, and

Obedient Servant,

JAMES READ.

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 like nature, in the last century, and other
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 Bishops, for their I have drawn from
 them, and the same I have proposed for
 redress of them, be true, just, and proper, I
 must submit to the reader's judgment.
 Yet I could wish the subject had fallen into

SIMONY AND SACRILEGE, &c.

THIS treatise, tho' now revised, al-
 tered, and enlarged by the addition
 of some few particulars, hath been
 written many years; as may appear
 by several parts of it: yet I thought it proper
 to lay it aside, (being unwilling to expose those
 blemishes of the fathers of our church) and
 it might have lain by much longer, had not
 our Bishops, by practising those evil arts,
 more frequently, flagrantly, and avowedly,
 of late years than in former times, made
 B the

the appearance of it, or of something of a like nature, in some sort necessary.

The many canons of the church, and other laws of the state, against Simony and Sacrilege, do sufficiently evidence the sense the world had of the importance, *i. e.* the mischief and danger of such practices.

Whether the facts I have charged upon our Bishops, the inferences I have drawn from them, and the remedies I have proposed for redress of them, be true, just, and proper, I must submit to the readers judgment.

Yet I could wish the subject had fallen into a better hand, that could have done it compleat justice; for I am fully convinced, that nothing could be of greater advantage in the conclusion to the established church, or of more benefit to the bulk of the clergy thereof, than setting those things in a clear light to the world.

And yet I do not expect, that this Essay should be universally approved, even by them; but I am persuaded, very few of them will be against it; so far at least, as it treats of Simony; except, *they who have thriven, or expect to thrive, rather by the Injustice and Simony of their Bishops, than by their own merit.* But as to the suffrage, or approbation of such, as I despise it, so I am confident, I shall never endeavour to deserve it; but for disinterested persons it will, I hope, appear to them, to be to the advantage of the bulk of the inferior clergy,

clergy, the good of religion, and, I may add, to the benefit even of Bishops; seeing the regulations it proposeth, would tend very much to retrieve the lost credit of their order.

I am sensible, the bare Title of these papers, will very much alarm my readers; to hear the generality of the Bishops of the established church, charged with crimes of so high a nature, as Simony and Sacrilege; and that by a Presbyter of the same; will probably surprize them at first sight, into a prejudice against the whole essay.

But to reconcile them to what is, and shall be said, I shall beg only this piece of common justice, viz. that they would lay aside their surprize and admiration; and betake themselves to an impartial use of their reason, in hearing the ensuing evidence.

The crimes alledged being two, I shall handle each under a distinct head; and first of Simony.

Simony may be taken either in a proper, or in an improper, or in an analogical and legal sense.

Simony in a proper sense, is the endeavouring to purchase for money, the power of conferring the extraordinary gifts of the Holy Ghost, Acts the viii. 18th, 19th verses.

Simony in an improper sense, is the selling, or buying, the power of conferring the ordinary gifts of the Holy Ghost, in the administration of the sacraments, and other works

Of the ministry; *i. e.* it is the selling or buying of holy orders; the consecrating or ordaining; or the being consecrated or ordained, Bishops, Priests, or Deacons, on the account of money, or any other secular consideration.

Simony in an analogical or legal sense, is the presenting or collating, or the being presented or collated, to any benefice with cure of souls, to any dignity, prebend, or ecclesiastical living, for any sum of money, gift, payment, profit or reward, paid, promised, or agreed upon, directly, or indirectly. And the Simony to be discoursed of, and refuted in this treatise, is of the third sort, the analogical or legal Simony.

When I first wrote this treatise, I thought the above definition of the legal Simony, was expressive enough of its nature; but the exquisite conduct of a certain Prelate of Ireland, hath made it necessary a little to enlarge it, otherwise, all that could be levelled at the like practice would fly over him, without any great execution; for I have never suspected him, of receiving any gift, payment, profit, or reward, usually so called, for any ecclesiastical living; nor hath he, that I could hear of, made any family advantage thereof. And yet, the gratifying his ambitious, and immoderate thirst of power, hath as constantly determin'd him, in the disposal of ecclesiastical livings, as gift, payment, profit, or reward, have other Bishops.

And

And therefore, I think, we may properly enough divide the legal Simony, into Simony from avarice and Simony from ambition; which may be otherwise called, the Politicians or Political Simony.

And, as the Candidates qualification for preferment, by the former sort of Simony, was the profit or advantage, which the donor had in view, either for himself or dependents: So the qualification by the latter, is this, that the Candidate and his friends, be willing and able, successfully to tug on in the donors faction, in spite of all vows, promises and obligations; in spite of all ties of friendship, blood or neighbourhood, to the contrary.

Tho' the object of the latter, be somewhat more spiritualized, than that of the former Simony; yet the effects are full as pernicious to the settled Clergy of the Diocese: Nay, as ambition is a more restless and insatiable passion than avarice, I think the Presidency, of such an ambitious Prelate, may justly give more melancholy apprehensions to the Clergy of the Diocese, than the government of an avaritious one.

But the Clergy are not the only sufferers by the ambitious views of that Prelate; the public quiet hath been more shocked and disturbed by them in many parts of the Kingdom, than I think it ever was in any Nation, in so short a time, from so inconsiderable an original.

I cannot find any thing like it in History, except it be, that equally whimsical distincti-

on of the *Prasini* and *Veneri* amongst the ancient *Romans*. They did indeed often disturb the publick quiet, and in *Justinian's* reign, had almost forced the greatest Prince, that ever governed that Empire, to abandon it; and by the peculiar and uncommon colour, that he chose to distinguish his friends and followers by, one would think, that that was the plan, which he copied after; but surely, unless he designed to signalize himself by a constant opposition to the government; he chose his colour most impolitically; for the *Prasini* or the *Green*, from the time the parties grew to any height, were constantly esteemed enemies to the Empire; they had their *Ghoyas*, the publick enemy of the *Roman* people, to encourage and support them in many Cities of the Empire; Nay they had their Pretender at hand, who who lost his life in *Justinian's* time, for the usurpation that faction instigated him to: whereas the *Veneri*, or the *Blue*, were always looked on as friends to the Empire; and, under the conduct of *Belisarius* and *Mundus*, defeated that formidable conspiracy, took the usurping Pretender prisoner, and preserved *Justinian* and the Empire.

So that how our Politician came to choose his colour so impolitically, I will not take upon me, but leave the *Irish* reader to determine. But however that be, I am sure the *Prasini* had not in six or seven years from their original, given half the disturbance to the publick

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(7)
lick quiet, that our Politician has done by framing his party.

Already we see the nearest relations of both sexes, the dearest friends and the most intimate acquaintances and neighbours in perfect hostilities on his account,

Had his Consecration been the reverse of the usual form; had he thereat promised to set forth to the uttermost of his power, Discords and Divisions, Dissentions and Debates, among those committed to his care; they could not have sprung up in greater plenty from his best industry and endeavours: and all this in a County, that when he came into it was in as profound a tranquillity, friendship and good neighbourhood, as any other in the Kingdom: and yet they all were but repetitions of the like confusions wrought in two other Sees he formerly presided in.

But that no lives were lost in the several Scuffles, Rencounters and Duels that then happened, was solely owing to the extraordinary goodness of Almighty God.

But I shall no longer dwell on the melancholly subject of the feuds and animosities raised by the schemes of that artful Prelate; tho' they are very applicable to the subject in hand, which is the legal Simony; for flowing, ready promises, and a partial and base distribution of such Ecclesiastical preferments as fell in his gift, had a considerable share in raising and forming his party.

But as I shall have many *Ecce iterums*, for that Prelate before I have done, I shall at present dismiss him, and return to the first sort of the legal Simony, that is, the Simony from avarice. I call it (as well as the other) the legal Simony, because the laws of the Land have taken such particular notice of it; not, but that it is a sin of a damnable nature, according to the divine law, antecedent to any humane laws concerning it.

Yet I must own, I think, this legal Simony, might with much greater propriety of speech be called Sacrilege; there being a much nearer affinity in nature 'twixt it and Sacrilege, than 'twixt it and the true and proper Simony: However, it's needless to dispute about sounds, when the sense is ascertained; so that it is enough to have hinted this.

I need not, I suppose, say much, to aggravate the guilt of what I call the legal Simony; the odious name our laws have fixed on this particular sort of injustice; the great care they take to prevent it, and the severe penalties they inflict upon it when discovered, are clear indications of their abhorrence thereof; and are indeed strong presumptions of its own detestable nature.

However, this may be further illustrated by considering the reasons, why our laws are so severe upon it; and they are, I presume, these two: 1st. To prevent the peoples falling under the care and inspection of ignorant or immoral teachers.

teachers. 2^{dy}. To prevent the injustice, which must thence ensue to the inferiour Clergy of that Diocese, where such scandalous practices prevail.

Those two are, I say, besides its own inherent malignity or sinfulness, the reasons, why our laws are so severe upon this legal Simony.

1st. The mischiefs that must ensue to religion, by promoting ignorant or immoral persons, to be teachers or instructors of the people, are too many and too visible to need a laborious enumeration of particulars; and that the sale of Ecclesiastical promotions is a ready way to introduce such to the feeding and instructing the flock of Christ, is likewise very evident: *for must we not believe, that they will be most forward to purchase, who are conscious, they ought not to hope to rise, by other means?*

2^{dy}. As for the other reason assigned, for the severity of our laws upon the legal Simony, perhaps our Bishops will not readily allow it a motive thereto; for it supposeth what they seem very unwilling to grant, *viz.* that they can be guilty of injustice towards the Clergy of their several Dioceses by any of their Ecclesiastical promotions; for that implieth, that the Clergy have, by their merit, standing and services in the Dioceses they are fixed in, a right to promotion, as Providence opens a way thereto; and yet if we consider our Bishops frequent partiality in this matter, the best

best excuse we can offer for them, is this, that they believe themselves, such absolute proprietors of the livings of their several Sees, that they have an arbitrary, unaccountable and wholly unlimited power, in their distributions of them: and therefore if they do at any time promote, on the account of the ability, standing and services of the Clergy, (which however, they take care not to do too often, lest perhaps the Clergy should thence prescribe to the absoluteness of their power) they look on such promotions as acts of special grace and favour, to which the Clergy can have no well-grounded claim of right; and 'tis this emboldens them to that barefaced Simony, they are so frequently guilty of.

But if they will allow us to determine, what is just and right in Ecclesiastical affairs, from what is universally deemed so in other matters; they will find that the Clergy have a just and equitable right by their abilities, standing and services, to those promotions that Providence opens a way to in their several Dioceses.

In Civil affairs, they who have discharged inferior employments that were committed to them, with prudence, care and fidelity, are look-
upon, as rightfully intitled to a gradual promotion upon any vacancy. In Military distributions, this is still more evident; and where-
ever the contrary practice prevails, nothing but murmurings and discontents, duellings and discouragements are to be seen through-
out

out the army: and therefore it was said his late Majesty most graciously at his accession, made a constitution, to prevent such enormous injustice; that the Officers of his army should rise, according to their seniority, in their several Regiments, provided, nothing could be justly excepted to their conduct.

Here was an excellent original for our Bishops to have transcribed, in the management of their several Dioceses; *and yet I cannot find the most loyal of them, fond of the imitation.*

Inferiours in other professions are thought to have a right to be gradually promoted, on the score of their merit and services, as providence opens a way thereto; and shall we think the inferiour Clergy to be deprived of the like claim? Shall it be criminal in a General to prefer for favour or bribery? and shall it not be execrable in a Bishop to familiarize himself in the same practices? Shall Bishops, who ought to be a living, as well as a speaking rule of justice to the world, allow themselves in such corruptions, as are not to be paralleled by the most profligate in any other profession.

If we run back into antiquity, we shall find, that, the *Mercatura potestatum*, the purchase and sale of publick Offices was a most infamous practice. *Aristotle* thought it of very ill consequence to any government, to have any thing of money or the like given for them; and by some laws amongst the *Romans*, they who were convicted of so doing, were incapacitated

citated for the future to bear any of them; and certainly, if any offices, those of the Church, ought to be the most chaste and free from all suspicion of this turpe commercium, this sordid sort of trafficking.

Lord Coke upon the act against Simony 31st Eliz. saith, *Injustum est illa vendere quae gratis distribui debent*: But then the question is, what is meant by selling, whether only the paying down, or securing to be paid, a sum of money; or whether it doth not likewise take in, any benefit or emolument, accruing to the person who bestows it, which hinders it from being a free gift. Now to resolve this difficulty the casuists tell us, *Nomine emptionis & venditionis intelligitur, omnis contractus non gratuitus*.

If this doctrine (which Bishop Stillingfleet, in his Discourse of bonds of resignation, heartily embraceth) be true, nothing can be a more irrefragable proof, that our Bishops promotions of their relations, favourites and Chaplains, which are not gratuitous, but made for a valuable consideration to themselves, are unjust, and therefore simoniacal; for there is at least a mental contract in those promotions.

Obj. But perhaps I shall be told, the laws have left our Bishops entirely at liberty, as to the promotion of the Clergy of their several Dioceses, and therefore they may do in this affair whatsoever to them seems fitting.

Sol. To this I answer, that in fact it was
so

so perhaps at first; the laws did not expressly lay any restraints upon Bishops in this particular; but this omission was occasioned, not by a disregard to the interests of the inferior clergy, but from a charitable presumption, of the great justice and integrity, the tenderness and affection of Bishops, towards the clergy of their several Dioceses; but when sad experience had convinced the world, that Bishops could be guilty of such practices; of which it would have been deem'd impious at first, to have thought them capable, we find that laws were made from time to time to restrain them.

We must indeed acknowledge, that all those laws are imperfect, and very unequal to the design of them; but then, it is not hard to assign the reason of this; the christian church, from the earliest times of christianity, voluntarily chose to be govern'd, in their ecclesiastical affairs, by the decrees of their christian assemblies, in which all the faithful met; but the Bishops, by their dexterity, soon excluded the inferior clergy and laity from suffraging in those assemblies; and when they had gain'd those two points, 1st. That the christian church should be governed by the decrees of those assemblies, and 2^{dly}. That they should have the sole power of composing those decrees; they had ever afterwards an easy game to play; for we may reasonably believe, they would take care not to fetter themselves too close: *If criminals are to contrive a system of laws for themselves,*

themselves, we may believe their regulations will not be too strict; and if they are transferred from the bar to the bench, we may believe, their sentences will not be severe on one another.

So that we are not to wonder, if we find the Bishops possessed of such ample power and privilege by their canons; for in making them they carved to their own desires; they needed only to ask, and they were sure to have: nor are we to wonder, that those canons do bear so hard upon the inferiour clergy in sundry particulars, since it seems to have been early the design of Bishops, to depress and depretiate the Priesthood of the inferiour clergy.

It's true, the civil power did at length interpose, by its laws to regulate ecclesiastical affairs; but even in the making them, the Bishops had so great an hand, that what acquisitions they had made by their canons, were for the most part confirmed to them by the temporal laws of every Kingdom.

However, since those acquisitions are contrary to justice, and an hindrance to religion, they do but more strongly argue the necessity there is, that the civil power should at last interpose effectually, and free our church from those corruptions, which many in the darkest times of popery have inveighed against.

If the silence of our laws, as to those rights of the inferiour Clergy, doth incourage our Bishops to trample on them; *Let them know, that the ancient Romans, for many years from their*
first

first settlement, might as well have urged the silence of their laws in defence of parricide, as our Bishops can the silence of our laws in defence of the violation of those rights; for the reason of silence was the same in both, viz. a charitable presumption that men could not be seduced to such execrable impieties.

But if our Bishops would consider, the end of all our ecclesiastical endowments, they might see, notwithstanding the silence of the laws, that they are guilty of injustice towards the inferior clergy by a partial distribution of promotions: for certainly, the end of those endowments was, to encourage and reward, the great labours of the clergy, in the discharge of their duty; that as the scriptures express it, *he that plows may plow in hope, and that he that thresheth in hope might be partaker of his hope.*

But are not all those kind intentions towards the inferior clergy frustrated by such gross partialities? When a person hath by a severe course of study, for many years endeavoured, to qualify himself for the ministry; and for many more hath toil'd, with a good conscience, and reasonable success, upon a poor subsistence in the discharge thereof; must it not be a great, a constant check, and discouragement to such an one to reflect that, when Providence opens a way for a more ample reward to his labours, he may be supplanted in his just hopes by some powerful favourite, and (if he be a Curate) de-
prived

prived of the *modicum* he hath, and turn'd out to shift for a new subsistence, after many years, honestly and successfully spent in the ministry? Will any man say that this is no injustice? certainly it is, and such as deserveth a severe redress, as being of the most pernicious consequence to religion. Will any man say that, this seldom or never happens? too many instances, ready to be produced, shew the contrary.

Let it therefore remain a fixed truth, that the inferiour clergy have a right to promotion from their merit, standing, and services in the Dioceses they are fixed in, as providence opens a way thereto; and consequently that Bishops are guilty of injustice towards them, whenever they promote without a due regard thereto; and yet we shall find that the most, and most considerable promotions they make, are direct violations of this rule.

Having now laid down the reasons, why our laws express so great a severity against Simony, *viz.* to prevent 1st the mischiefs ensuing to religion by the promotion of ignorant or immoral teachers, which was like to be the result of such practices, 2^{dly} the injustice which must necessarily ensue to the settled clergy of those Dioceses where such practices prevail,

I come according to the design of this treatise, to shew that our *Irish* Bishops are generally, if not universally guilty of Simony in their ecclesiastical promotions.

And

And this, I suppose, may be easily done, by comparing the definition of legal Simony, I laid down a little before, with the practices of those Bishops.

The legal Simony was there defined, the presenting or collating; or the being presented or collated, to any Benefice with cure of souls, to any Dignity, Prebend or Ecclesiastical Living, for any sum of money, gift, payment, profit, or reward, paid, promised, or agreed upon, directly or indirectly.

By which extensive definition it appears, that the immediate intention of all those laws against Simony, was to prohibit Bishops and lay patrons, to make any secular advantage, by the disposal of such Ecclesiastical promotions as fell in their disposal or gift, that so those two mischiefs, I just now mention'd, might be the better prevented, and only the merit, standing and services of the Clergy, might be considered.

Since therefore our *Irish* Bishops do generally, if not universally, make a secular advantage of such Ecclesiastical promotions as fall in their gift or collation, they are generally, if not universally, guilty of Simony; and if this secular advantage, consists of any sum of money, gift, payment, profit, or reward, paid, promised, or agreed upon, they are guilty of Simony according to the letter of the law: but if this secular advantage doth consist, in raising or advancing in the

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Church

Church, those that are of affinity, friendship or consanguinity to the Bishop; in serving those that have formerly conferred favours or obligations on him, or in the like secular considerations, to the prejudice of the settled Diocesan Clergy, they are then guilty of Simony according to the intention of the law. for those are as really and truly a secular advantage (and perhaps a much more considerable one) to the Bishop, and his family, as the small sum of money he could have gotten by the sale of such a promotion; if these arts do not fill his purse yet they save his pocket, *and we all know that a penny saved is a penny gotten.*

But I will not say, the case is exactly the same in this particular, betwixt Bishops and Lay patrons; if the latter, gratuitously provide able and sufficient Clerks for their presentations, they may, I think determine themselves in the choice of a Clerk, through favour and friendship, affinity or consanguinity: for seeing the settled Diocesan Clergy, do not depend on them, there are none of them, (except you will say the Curate of their Clerk, if there be any such) can claim a title to their favour: but with Bishops the case is very different, for they are, properly speaking, only trustees of the publick for the inferior Clergy, of those livings they collate to; and besides, being (as they would fain have us believe) the only settled Pastors of their Dioceses, and the inferiour Clergy, only as so many assisting Curates, de-
puted

puted according to their discretion, in the several parts thereof, the better to enable them to discharge their duty; those Clergymen must in gratitude and justice, have a right to those promotions that Providence opens a way to, in proportion to that help and assistance, they contributed to the Bishop, in discharge of, what he calls his duty; and therefore if those Bishops shall alienate those promotions to others, that have not at all, or not equally assisted them, in such discharge, they are guilty of a manifest ingratitude and injustice towards them; and if that alienation shall be made, on the account of any sum of money, gift, payment, profit, or reward, paid, promised, or agreed upon, that injustice is called Simony according to the letter of the law; but if that alienation be made, on the account of affinity, friendship, or consanguinity; on the account of favours formerly received, or the like secular considerations, the injustice thence ensuing to the Clergy, is undeniably Simony according to the intention of the law: for seeing, as I said just now, the immediate intention of the law must be presumed to be this, to hinder any Bishops to make a secular advantage, by the disposal of such Ecclesiastical promotions as fall in their power, how is this intention answered? If they are at liberty to raise their families, or clear off civil obligations by such disposals; is it not as gainful to a Bishop, to bestow a beneficial li-

ving on a son or other relation that hath served little or no time in the Dioceſe, as to ſell that living at an eaſy rate, and beſtow the money on either of them? Is not the intereſt of his family ſerved as much, by a Clergyman's taking of a daughter, ſiſter, niece or any other ſuch female incumbrance, without any, or with a leſs fortune, on the account of a living to be given him, as it would have been, by the ſame Clergyman's giving the Biſhop, a ſum of money towards maintaining ſuch incumbrance, for that living? *In ſhort, what is as all this ſpiritual traffick, ſo obvious in almoſt every Dioceſe of the Kingdom, but portioning of children, or dependents with the patrimony of the church?*

If a Biſhop is under a civil tie, or obligation to any man, nothing more uſual, than for ſuch a perſon, to palm a relation on the Biſhop to be provided for in the church; what now is all this in reality, but ſelling a living to diſcharge a civil debt?

And now that I am diſcourſing of the civil obligations that may be laid on Biſhops, and the uſual returns made by them, I cannot but take notice of one, which is the moſt open and avowed of all others; and that is the caſe of their Lordſhips Chaplains; they are looked on, to have ſo good a title to preferment, that few believe their promotion an injury to the ſettled Dioceſan Clergy; yet to me, I confeſs, their caſe ſeems only another inſtance of the Simony of Biſhops.

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It's plain the Chaplain, as such, is but a domestick of the Bishop's, no servant of the Church's; and is therefore no way intitled to those advantages, which the donors of Ecclesiastical endowments intended, as well to reward the past services, as to encourage the future labours of the Clergy; and besides, gratitude to the inferiour Clergy, pleads against their promotion; for they are no way assisting to the Bishop, in the discharge of what, he pretends to be, his Pastoral duty in his Diocese; and therefore, cannot have such a right to those promotions, that Providence opens a way to, as the inferiour Clergy, who are at least, fellow labourers with their Lordships, in the same vineyard.

Obj. But perhaps it will be said that, Bishops give their Chaplains no allowance for their service in their families, and are therefore obliged to provide for them as occasion offers.

Sol. This is the very thing complain'd of, that a Bishop should discharge his personal debt (for such I look upon his Chaplain's salary for his service in his family to be) out of the patrimony of the church: for supposing the Chaplain, at a moderate salary yearly, might, during his residence in the Bishop's family, have been intitled to five hundred pounds; the Bishop gives him not a penny towards the clearing this off, but in lieu thereof bestows a valuable living on him; pray what is this

in reality, but selling a benefice to discharge a personal civil debt, that the Bishop stands in equity oblig'd to? And as to the Clergy that serve in the Diocese, the injury is certainly the same to them, as if the Bishop had sold that benefice for the five hundred pounds; the advantage is the same to the Bishop; seeing it sayeth so much to his family; and the danger is the same to the Church; for the Bishop may as readily find out, a worthless Chaplain, as a worthless chapman.

But if what I have here laid down, in relation to Bishops and their Chaplains, be false, and that therefore Chaplains, as such, have a just and honest title to promotion in the Diocese; it will unavoidably follow, that the Bishops Chaplains, ought to succeed to all the vacancies that happen in the Diocese; for seeing a Chaplain is, or ought to be, dismiss'd as soon as he is provided for, that he may take care of his new charge, and another is chosen to succeed him; if the former Chaplain, as such, had a just and honest title to the last promotion, his successor hath the same to the next; and so a succession of the Bishop's Chaplains, shall supply all the succeeding vacancies of the diocese, whilst the settled officiating Clergy thereof, are wholly neglected.

And however odious this practice may seem, when its proper consequences are thus urged home, and set in a full light; yet I have known it pursued thus far in some Dioceses

ceses of the Kingdom: if a Bishop is willing to bestow a living on a young relation, that hath served little or no time in the Diocese, let him but constitute him his Chaplain, and he is then thought to be unexceptionably qualified; and to have an unquestionable title to the next promotion; unless perhaps, he may not think it worth his acceptance; and then indeed, it may fall to some of the settled Clergy of the Diocese; for upon such poor offals they are forced to subsist.

I grant indeed, a Nobleman may gratuitously present his Chaplain (if he be an able and sufficient Clerk) to those livings he is patron of, on account of his pious and conscientious discharge of his duty in his family; but then we are to observe, as before, that none of the settled Clergy of the Diocese have a right to his favours; and therefore none are injured, (unless perhaps his Clerk's Curate if any) by any disposal he can make, of the livings he is Patron of; besides, a Lay Patron hath, and very justly, (seeing his right of Patronage is probably founded in his ancestors having endowed that living) a much greater right in those livings he Presents to, than a Bishop hath in those he Collates to; he can sell his right of Patronage; he can give, or sell an advowson, during the life of the incumbent; but, God be prais'd, our Bishops cannot, as yet, do either; (which perhaps, they think a great hardship; since a good use might be made of those

powers, if they had them) and therefore having a more absolute right in the livings they Present to, than Bishops in those they Collate to, they are less accountable in the distributions they make of them,

And this, I hope, may be sufficient to shew, that Bishops and their Chaplains, are mutually guilty of Simony, by the promotions they give and receive.

But I might have cut the controversy much shorter; and have proved, that (abstracted from the equity and reasonableness of the case) those unsalaried Chaplains are guilty of Simony, by the express letter of the Canon Law; for by Gædolphin's *Repertorium Canonicum*, pag. 557. there is a threefold *pretium* or recompence may be made to the Patron, and all of them Simoniackal, viz. *Pretium muneris*, which is money, or whatever is vendible for money; *Linguae*, which is, undue or unjust praise, or in one word flattery; and *Obsequii*, which is some service done, or to be done for the patron, in matters temporal; or as when a Chaplain serveth a Bishop domestically, without any stipend, or salary; or remits it on purpose, that a benefice may be bestowed upon him; and this last is by the express letter of the Canon Law *Simony. c. sunt nonnulli l. q. i.*

I have often endeavoured (but could not) to meet with the original, that I might know, whether the quotation be true and just or not; but if it be, (which I think there is no great reason

reason to doubt) our Bishops would do well to consider, how far they are concern'd in the matter; and what guilt they bring young Clergymen under, by such promotions, who may be unacquainted with matters of law, that lie so much out of the common road of their reading: and should any prosecute one of those commuting beneficiaries, and convict him of Simony, (which I think it would be no hard matter to do, upon the above mentioned law) it would perhaps, be the best expedient, to prevent such scandalous preferments for the future, and would for that reason be highly beneficial to the Clergy in general.

Seeing therefore all the above mentioned promotions, are of equal advantage to the Bishop, of equal prejudice to the settled Clergy of the Diocese, and of equal danger to the Church, with a pecuniary sale of livings; ought we not to look upon them as actions of the same kind? that is, ought we not to esteem them all as execrable acts of Simony?

Indeed the world hath been so just, as to give the former that appellation, calling it ludicrously and jocosely a f—k Simony, which epithet does not lessen the crime, but rather imprints a ranker idea, and makes the Simony more odious and detestable.

Obj. I know our Bishops, to favour their own practices, would gladly have the world think, those actions are of a distinct nature; that the former method of disposal is lawful and

and innocent, though they will readily allow the other criminal.

Sol. To this I answer, there ought to be no distinction, where there is no real difference; and therefore to imagine a distinction in moral actions, without a real difference in the morality of them, is vain and trifling. Now to apply this to the case in hand, if there be no real difference, as to the morality of the action, betwixt selling a living, for any sum of money, gift, payment, profit, and reward; and the enriching thereby, a friend, favourite, or relation (not intitled thereto, by his merit and services in the Diocese) that is dependent on, or an incumbrance to the Bishop, they are both of the same kind, *i. e.* both equally Simoniackal in the sight of God; for my part, I can see no greater difference betwixt them, as to the morality of the several actions, than there is betwixt a guinea in gold and three and twenty shillings in silver in point of current value in *Ireland*.

Obj. Some may perhaps be so hardy as to affirm, that seeing our Bishops, do not by those practices transgress the letter, but only the intention of the law, they are not criminal.

Sol. To this I answer, 1. They may be said to transgress the letter of the law by such practices, seeing there is at least an indirect agreement made. 2. It is a maxim of the law, *Quod is committit in legem, qui verba legis complectens, nititur contra legis voluntatem,*

tatem. And that great lawyer Lord Coke in his Institutes, saith, " that Judges may make
 " such an equitable construction of any par-
 " ticular law, that cases out of the letter of
 " any statute, yet being within the mischief,
 " or cause of making the same, shall be with-
 " in the same remedy that the statute doth
 " provide:" and therefore, seeing these practi-
 ces, are equally mischievous, with a pecunia-
 ry sale of livings, they equally transgress the
 laws against Simony; and seeing, there ought
 to be, *in paribus rationibus paria jura & ju-*
dictia, they would, probably upon a fair tryal,
 be found equally punishable, in our Bishops
 and Clergymen therein concerned.

Obj. It will perhaps be said, that no such
 agreements are ever made betwixt Bishops and
 Clergymen, and therefore the foundation of all
 this arguing is imaginary.

Sol. To this I answer, such a contract is too
 much a deed of darkness, for men of pru-
 dence, to venture to have it comprized, either
 in a written or a verbal obligation; but how-
 ever, it is enough to prove my point, if broad
inuendo's are given, and made so intelligible
 by the general practice of Bishops, that the
 affair goeth forwards; and therefore I af-
 firm, that if a Bishop intends the favour of a
 living, on any of the above mentioned ac-
 counts, or if a Clergyman expects it, the in-
 tention of the one, and the expectation of the
 other,

other, are both in the sight of God, what our laws call Simony.

And if this be the case, as I verily believe it is, what a lamentable condition are most of our Bishops, and many of the Clergy in? especially when we consider, that the one tenders, and the other takes, an oath against Simony, at the time of collation.

What an horrid grimace now is this? gravely thus to trifle with an oath, which is one of the most serious parts of religion! It seems to me, in such cases, to be nothing less, than riveting Simony on both sides with perjury, by which their mutual damnation is made the surer: and accordingly *Lyndwood* discouraging of this oath, saith, "that whatever is done" (he means, besides the conscientious discharge of a Clergyman's duty) "with a design of obtaining a benefice, is a mental Simony, and therefore, whatever service is desired by a Bishop from any one, with intention of bestowing a living on him for so doing (excepting as above) is also a mental Simony;" and particularly he puts the case of a man's offering to serve a patron for a year or two, with intention to obtain a presentation to such a benefice; and denieth that such a person, can with a safe conscience, take the oath against Simony: and this comes as near the case of Bishops, as is possible, in respect of their Chaplains, favourites, and relations, it is a meer *alter idem*: and I think the Bishop as deep in the

the fudds as his Chaplain, when the oath is taken.

I have for a long time, made my observation, as opportunity fell in my way, on this subject, and I do declare, there is no Diocese in the Kingdom that I am acquainted in, in which I have not observed, sundry instances of one or other of those practices; and I fear persons of a more general acquaintance, might, if they would give themselves the trouble, carry the observation, through all the Dioceses in the Kingdom.

And for your own satisfactions in this matter, if you observe at any time, in those Dioceses in which you reside, known favourites, Chaplains, or relations, of no transcendent merit, who have never served therein, or but a little time, advanced to the most considerable Benefices, or Dignities in the Diocese, you may then, without a breach of charity conclude, that Simony was the ladder by which they ascended; and if our blessed Saviour did, with such zeal and indignation, whip out those that bought and sold in the temple; with what severity ought our laws to chastise those Bishops, who thus make a gain, and common merchandise, of the temple itself?

Obj. But perhaps, I shall be told, that instances of such partial and unjust promotions, are but few in any Diocese; and therefore, there is no need of such an outcry on Bishops, for promoting a friend now and then.

Sol.

Solo Answer, 1. A single act of injustice, ought to be animadverted on, and punished, lest it should prove prolifick of many future actions of the same kind. But 2. should I descend to a full historical account of our Bishops management for many years past, as to the particular of their Collations (which is the only further answer, necessary to the objection) it would appear, the severest satyr their bitterest enemies could possibly bespatter them with.

I know a Diocese in *Ireland*, in which the Bishop in about nineteen years, hath made thirty six or thirty seven collations; of which, I do in the most solemn manner declare, that I think, there were but three, that ought not to be deem'd simonaical; but there were but five, that could have the least pretence to an exemption from that character.

However, I shall for the present forbear to name names, it being easy for me to recur to that method; if their Lordships are not satisfied, of the injustice, and falshood of the objection.

And yet I cannot but advise those who are concerned, both Presbyters and Bishops to consider, that the thirtieth and seventy sixth of the Apostolical Canons, the second of the Council of *Chalcedon*, the third and fourth of the second Council of *Orleans*, the twenty second of that in *Trullo*, and above all the third of the tenth Council of *Toledo*, (which seems very nearly to describe the present practice of our Bishops)

do

do say very many hard things of Simony and Simonists, as also do our Statute laws.

But because all those Statutes and Canons, except the last, do in express terms, only prohibit Bishops to take money for ordination or promotion; our Bishops (by a subtlety unknown to those times of greater honesty and simplicity) have found out a way (by providing for their friends and relations out of the patrimony of the church) to make a secular advantage of their spiritual power, in spite of all those Statutes and Canons to the contrary.

There is indeed a law of *Justinian's*, which (if our Bishops would transfer to, and regulate their conduct by, and sure there is great reason that they should) would either put an end to this gainful trade of Simony, or horribly expose them in point of perjury; for there it is provided, that the Electors shall take an oath, and insert it in the Election paper, that they did not chuse, for any gift, or promise or *Friendship*, or for any other cause, but only because they know the persons Elected, to be of the true Catholick faith, an unblamed life and sound learning.

This shews what those times thought, ought to be the only motives in the promotions of Clergymen: and had our Bishops regulated their promotions by that rule; we should not find the Clergy, as we now do, in almost all our Dioceses, groaning under the oppression
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of their Bishops Simony; whose hardships give us reason to think, that the neptism of our protestant Bishops, is more scandalous in itself, and more pernicious to religion, than the nepotism of the Papacy.

It is very strange, our Bishops should have such an easy opinion of the guilt of Simony, (though the thirty fifth canon of our church calls it the cursed abuse of Simony) when many of the members, even of the corrupt church of Rome, have testified such an abhorrence thereof.

It is reported by Bishop *Stillingsfleet* in his answer to *Laud's Labyrinth* p. 125. that *Sixtus Quintus* did under his hand, promise the Cardinal *d'Este*, for his interest in the Conclave towards his promotion to the Papacy, that he would never create, *Jerome Mathew*, *d'Este's* particular enemy, a Cardinal; but when *Sixtus* violated his promise, by making *Jerome* a Cardinal, *d'Este* delivered the original instrument into the hands of *Philip II.* King of Spain; on the knowledge of which, and that *Philip* intended to declare *Sixtus's* promotion simoniacal, (according to a bull of *Julius II.*) *Sixtus* in a little time broke his heart.

If now a promise, that served only to gratify the malice of an angry Cardinal, being offered in consideration of promotion, could infer the promotion that ensued to be simoniacal; shall not the consideration of the marriage

riage of a daughter, a sister, a niece, or any such female relation; the providing for a son, a brother, a nephew or the like; the domestic service of a Chaplain; or any other secular motive of real importance; shall not all and every of these considerations infer the promotions that follow on those accounts, to be Simonaical? for certainly, *Sixtus's* Simony did not consist barely in this, that he gave a verbal or a written promise to *d'Este*; but primarily in this, that he intended to gratify him, with a valuable secular consideration, on account of the service he was to do him in a spiritual matter: and therefore, though no promise had intervened, his bare intention, would have infered him guilty in the sight of God, of what the laws there and then called Simony.

I have now done with the proof of the first point laid down; and have, I suppose, with sufficient evidence, shewn to all unprejudiced readers, that will seriously reflect on the management of our *Irish* Bishops; that they are generally, if not universally guilty of Simony; I have likewise made some reply to such objections as fell in my way; and thus having laid open the sore, it will be time to hasten to the cure; and seeing the evil hath shewn itself so sturdy and inveterate, as to resist all the applications, of the Canon or Statute law, that have yet been made, it will be worth while to try whether a new law may

not be so contrived, as to subdue the malignity of it, and utterly root it out.

And this I conceive, might be effectually done, by an act of Parliament (for only such a power, is able to grapple with this potent enemy of the inferiour Clergy's) that should proceed according to these steps, that is by providing,

1. That Bishops should be obliged under high penalties, to ordain no man, (unless a Fellow of the College) without a real title, to some Benefice, to some Curacy, Lecture, or Reader's place, then actually vacant, in the Diocese of the Bishop who ordains; but in case the Bishop, in whose Diocese he is to be provided for, be really unable to ordain him, through age, infirmity or enforced absence; then, and in no other case, he may be ordained by any other Bishop, a request being first made to him in writing, by such aged, infirm or absent Bishop, which Benefice, Curacy, Lecture or Reader's place, must be of sufficient value, to maintain him decently as a Clergyman, that so, he may bring no scandal on the Church, by being forced through his poverty on any unwarrantable actions.

2. That the person so ordained be obliged (under the penalty of a perpetual suspension *ab officio*, to be issued by the Bishop who ordains him) to apply himself (within a time to be limited) to the duties, belonging to that Benefice, Curacy, Lecture, or Reader's place, he

he was ordained to; and so to continue till he be otherways provided for.

3. That, if the title, by virtue of which he is ordained, be a Curacy, he shall be intitled, during the time he officiates therein, to such stated proportion, as to the Legislature shall seem meet, of all the profits and endowments, by tithe, glebe, book-dues, poundage, &c. belonging to that parish, or those parishes he attends the cure of.

4. That it shall not be in the power of the incumbent; by his personal residence, or otherwise, nor in the power of the Bishop of the Diocese, Archdeacon, or any other Ecclesiastical person, to remove any licensed Curate, Lecturer, or Reader, from his said Curacy, Lecture or Reader's place; unless he be legally convict of some offence, that renders him unworthy to discharge the duties belonging to his Curacy, Lecture or Reader's place.

5. To take up this Simony, we have been all along discoursing of, by the roots, that all Ecclesiastical promotions, Deanries, Archdeaconries, (if those offices, of which hereafter, must be continued) Dignitaries, Prebends, Rectories, Vicarages, Choral Vicarages, &c. that are at present, or hereafter shall be, in the Collation or Presentation of any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, Dignitary, Rector, or any other Ecclesiastical person, or persons, as such, be thence forward, dis-

posed of to the Clergy of that Diocese, in which that promotion lieth, according to their seniority, to be estimated according to the time of their service in that Diocese indifferently, whether as beneficed Ministers, or licensed Curates, provided no legal exception be offered, and sufficiently proved in bar to their promotion.

6. That Archbishops and Bishops be obliged, under very high penalties, upon the vacancy of any Deanry, Archdeaconry, (if those two offices be continued) Dignity, Prebend, Rectory, Vicarage, Choral Vicarage, Curacy, (where a successor is desired, and a sufficient reason assigned for having one) or other Ecclesiastical promotion, that is at present or hereafter shall be, in the Collation, Presentation, or Appointment of any Archbishop, Bishop, Dean, Dean and Chapter, Archdeacon, (if such be still continued) Dignitary, Prebendary, Rector, Vicar, or other Ecclesiastical person, as such, to give notice of the vacancy thereof by his apparitor or apparitors to all the Clergy of his Diocese, as well licensed Curates, as beneficed Clergymen, who must thereupon within a limited time, under their hands and seals, attested by two credible witnesses, make a return (or in default thereof, to be barred from their choice at that time) of their acceptance, or refusal of the said Deanry, Archdeaconry, (if such are to be continued) Dignity, Prebend, Rectory, Vicarage, choral Vicarage, Curacy, or other Ecclesiastical promotion ;

tion; upon which returns, the Archbishop or Bishop is publickly in his court to declare, within a limited time, who is the senior of those that have accepted the said promotion, and then, *within a limited time, and not before*, to Collate or Institute such senior to such promotion, he having first resigned, whatever Ecclesiastical promotion he held before in that Diocese.

7. For the better, and more regular execution of the fifth, that all Archbishops and Bishops be obliged, under very high penalties, to summon all the Clergy of the Diocese, and with them to consult, what parishes or parts of parishes, and tithes or parts of tithe, are proper to be united to the several Churches of their respective Dioceses, to constitute real unions; and each of the said Archbishops and Bishops, to return, within a limited time, the result of their consultations into some proper office, there to remain as of record; and to be a sufficient bar to any future alterations or divisions of parishes; and two copies to remain, the one in the hands of the Archbishop or Bishop of the Diocese, the other in the register's office, for the inspection of the Clergy, without fee or reward.

By those few easy, and as I think, very reasonable regulations, that detestable, and (as I said before, the *Irish* Canons call it) cursed abuse of Simony might be effectually abolished.

They will all, I suppose, appear of hard digestion to our Bishops and Archbishops, and the third and fourth will not easily go down with many of our best beneficed Clergymen; however in opposition to both, I shall endeavour to defend the justice and equity of each.

Obj. As to the first it may be alledged, that the thirtieth Canon of the Church of *Ireland*, doth sufficiently provide, that no man be ordained without a title, and therefore the first rule is needless.

Sol. To this I answer, there is nothing in that Canon about the *quantum*; so that I have known some ordained on a title of five or six pounds *per annum*, which is an insignificant maintenance to any Clergyman, and ought not to be allowed a title; and some I have known, ordained on a gentleman's letter, assuring the Bishop he should not be troubled, on account of the penal clause in the latter end of the Canon, which sufficiently shew the necessity of the first rule: and I have known others ordained on sham titles, they never intended to make use of, which sheweth the necessity of the second rule.

Obj. But the third and fourth will not, I fear, as I said before, easily go down with most of our well beneficed Clergymen; what! shall they not be allowed to provide a Curate for themselves in as easy a manner as they can? shall they be prescribed to, as to their servants salary? and shall they not be at liberty to dis-

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miss him, when they have no longer any occasion for him?

Sol. I answer, when all this volley of pride and passion is spent, I cannot but insist on those two rules, as very just and equitable: for as to what concerns the third rule; what reason hath the Incumbent to complain, though the Curate who dischargeth the whole labour of the Cure (which was the principal thing the endowment was intended for) receiveth such a proportion of the profits of the whole income, as the wisdom of the legislature shall think fit to settle and appoint, when he himself, who doth not discharge any part of the Cure, receiveth the remainder; I should rather think, he ought to be very thankful, that his sloath and idleness are so amply rewarded; and seeing religion itself, is so great a sufferer by the poverty of the inferior Clergy, the laws may justly interpose, to prevent those oppressive, huckstering bargains of Incumbents that occasion it.

Obj. Well, but the benefice, &c. is the incumbent's freehold, and therefore no part, or portion thereof, ought to be taken from him, without his consent.

Sol. I answer, it was the law that made it his freehold, and if the law, for much weightier reasons, thinks fit, in some sort to alter his tenure, and to subject him to some reasonable burdens, he hath, I think, no reason to complain: nay this law cannot be thought hard,

when the Canons now in force, allow the Bishop to allocate one third part of the benefice, for subsistence of the Curate; this power, I say, is still resident in our Bishops; though they let it lie dormant, without ever exerting it; either through disregard of the poorer part of the inferior Clergy, or out of fear, that they themselves may suffer somewhat, in those many benefices they hold, by a vigorous execution of this power; and as to the incumbents consent, he may be said to give that by his representatives in Parliament, whenever the bill shall pass.

But however the poorer part of the inferior Clergy may be now neglected, it's plain a much greater regard was formerly had to the subsistence of the daily Minister of the Church, which I look upon the Curate to be, in those Churches where he is appointed; notwithstanding the great partiality of the Pope to the Regulars; and the ample privileges he had granted them, in appropriating Churches to their Monasteries; yet care was always taken, or at least enjoyned; that there might be reserved to the Clergymen that officiated, *Congrua & sufficiens portio, quod exinde competentem sustentationem habeant, & Episcopalia jura solvere valeant, aliaque debita onera supporture*; as Alexander IV. expresseth it; nay, no privileges could be granted to the Regulars, on others, contrary to the right of the daily Minister of divine service; or if granted were annulled

nulled as to that particular by *Clement V.* and the law saith, *Extrav. de privileg. revocatur enim privilegium, si ex post facto, incipit enormiter esse nocivum*: therefore Monasteries were forced to abate the rigour of their privileges, when in process of time, they grew too burthensome to the officiating Clergymen; and *Dr. Reeves* in his *Poor Vicar's Plea for Tithes*, shews that so great a care was had for a fitting subsistence for the Minister that performed divine service, that privileges were revoked, pensions taken away, Patrons were debarred of their rights, Commendataries were lessened in their rights, and Bishops were to be deprived of their annual dues, rather than he should be too hard pressed upon. Nay he further sheweth, that if the Appropriation could only afford a subsistence to the officiating Clergyman, the Monastery was not to have any thing.

Now from hence we may infer two things, 1. That our Bishops are extremely wanting in affection and regard to the interests of the inferior Clergy, by suffering so many Improvements, and Appropriations in their several Dioceses; without assigning a sufficient maintenance to the Vicar or Curate that officiates, since it's plain from that excellent treatise, (and also from opinions obtained by Archbishop *Laud* upon that point) they are still armed with a power, sufficient to do justice in that case, 2. Seeing the Curate, is in those Churches

Churches he is licensed to, in the place of the Vicar; the same regard ought to be had, that a decent and sufficient maintenance be provided for the Curate that officiates, as formerly was had for the Vicar; and that in a much larger proportion; because the case of the Clergy is much alter'd since the reformation, and when that is done, the third rule will not appear too severe.

As to the fourth rule, it is I think, not only just and equitable, but highly expedient, and indeed necessary, to preserve the Church from being disgraced, by a multitude of unprovided, mendicant Clergymen; for to what else, but the want of such a regulation as this, can we ascribe the great numbers of them, that are to be found in many larger towns.

But besides, without such a regulation as this, the design of the thirtieth Canon of the Church of *Ireland*, is wholly frustrated; the design of that Canon we may justly conclude, was to provide, that no person admitted into holy orders, should (unless by his own demerit) be destitute of a decent maintenance; in order to which it appoints, that none be ordained without a title; but may they not as well be destitute of a maintenance, if ordained on a title, that may be resumed from them at pleasure, as if they were ordained without any title? and therefore even that Canon saith, "he is not to be removed from thence till he be otherwise provided for, except by his notable evil carriage,

“ carriage, he shall deserve the contrary ;” and if such a security be (for the Church’s good) necessary to the Curate in the Cure he is at first ordained to, why should it not be extended to him in any Curacy he is afterwards licensed to?

Nor am I the first that have complained of the uncertain tenure of those stipendiary Curates, (who are said to be *ad nutum remobiles*) for it hath been looked on, in the darkest times of Popery, as a grievance to the Church, and a scandal to religion.

A great part of the controversy betwixt the Bishops and the Regulars, as appears by Dr. Reeves’s *Poor Vicar’s Plea*, was on account of it; the Bishops would oblige the Priors and their Convents to appoint a fix’d Vicar or Curate; and to assign him a decent portion of the tithes of the parish he was to serve: but the Priors and Convents, were for appointing a temporary Vicar or Curate, and for agreeing with him for a stipend; and that to be sure, as low and mean as they could; and this was thought to be a matter of such moment to the Church, that the Bishops deemed it worth their utmost care to settle it in a right manner; and they carried it against the Monasteries by the vigorous interposition of *Clement V.* for he obliged Monasteries, with a *non obstante* to all their privileges, to present their Vicar to the Bishop for Institution; and gave the Bishop power to assign him at his discretion

tion a maintenance out of the Parochial endowments; and in case they presented not in six months, the Bishop might present a Vicar and endow him.

Soon after the Parliament took this business in hand, and by a statute in the fifteenth of *Richard II.* it was provided that, *no Parsonage should be appropriated, before a Vicar was conveniently endowed, according to the discretion of the Bishop, to do divine service, and to keep hospitality.* And soon after, viz. the fourth of *Henry IV.* it was enacted, that *only Seculars should be appointed Vicars of Appropriated Churches;* by which the Regulars, as to constant attendance, were at last confined to their Monasteries.

So that you see that Clergymen, either so slenderly provided for, as not to be able to live decently, and maintain hospitality, or so uncertain, as to be *ad nutum remobiles*, were deemed so great a grievance to the Church, that the Parliament, the Pope and Bishops, thought it worth their while to interpose, and stop the further progress of the evil: and yet this, which was thought so odious then, is the current practice of our Church at this time: for I believe, I may safely say, that near a third part of the Churches of the Kingdom, are served by stipendiary Curates, whose stipend is so small, they can scarce provide themselves the necessaries of life, much less are they able to live decently and maintain hospitality,

ty, (which yet was strictly required of them; and they were accordingly provided for) and who are thought to be *ad nutum removibiles*; seeing their licenses are supported, only by an arbitrary, *durante beneplacito*, of the Bishops; though perhaps on a fair trial, they would be found to be, *quam diu bene se gesserint*; but, however the law be in this case, it's plain the practice is to the Curates disadvantage; but seeing the practice is apparently to the prejudice of the Church, seeing it was so odious in the judgment of antiquity, one of whose Canons was, *præcipimus ne conductitiis Presbyteris committantur Ecclesie*; I need, I think, say no more in vindication of the fourth rule.

And therefore I now enter on the defence of the fifth, which will be hardest of all digested by our Bishops.

What! (will our Bishops say) shall we that for 1700 years, have distributed a maintenance to our Clergy, according to our discretions, be now deprived of the power of doing so? Shall those endowments, that for so many ages have been, by so many laws, vested in us, be now taken out of our hands, and be put in another method of distribution? Shall children be set loose from their dependence, and so prepared for disobedience to their spiritual parents?

To this I answer, all this violent storm, is not able to dissipate the force of those reasons, that may be urged in favour of this regulation;

tion; had our Bishops still preserved a strict regard to the merit, standing, and services of the Clergy, in their distributions of that great *depositum*, the laws have committed into their hands; there would have been no need to have made any alterations in that affair: but I fear, a slight attention to their conduct, in their several Dioceses, will give too many convincing arguments of the contrary management: they are indeed, called by some the Fathers of the Clergy; but I fear they will be thought, by all impartial observers, to have behaved themselves to most of their children, with a step-mother's good nature and affection: and this is sufficient to shew the expediency of laying such a restraint upon them; and that it is no ways contrary to the law of God, they will be forced to acknowledge if they will consider these things. 1. That tithes, &c. which are the endowments of the inferiour Clergy, are properly the bounty or free gift of the State or Nation. 2. That this bounty was properly dedicated to God, for the reward or encouragement of those that attend upon his worship or service. 3. Bishops are not the proprietors, but only the Stewards or trustees for the inferiour Clergy, for the better management of that great *depositum*; for from thence it will follow, that those Stewards, if they are found to have managed unfaithfully, may be justly turned out of their Stewardship; and the Nation's bounty, put in any other method of

of distribution, that shall be thought most fitting: and I may boldly venture to say, that none can be assigned, less liable to corruption, than that I have mentioned; for it is a law of such a nature, that it effectually executes itself: nor can this alteration be calumniated as a Sacrilegious attempt upon God's inheritance, but is rather a serious essay and endeavour to prevent that execrable crime; for indeed this legal Simony we are now complaining of, seems to me a crime of a complicated nature; and though there may be some remote affinity in it to the improper Simony, yet, as I hinted before, it hath, I think, a much nearer relation to Sacrilege, and might perhaps, with greater propriety of speech, be called so.

Obj. In this method no regard is had to merit: a Clergyman of the greatest desert, may be forced to give way to an ignorant old man, of little or no merit, on the score of seniority,

Sol. I answer, 1. If ignorant persons, or those of little merit, are by this means preferred, the rule is not to be blamed, but the Bishops, who ordain such as must be a reproach to the ministry, in any station. 2. The principal ingredient, in the merit of a Clergyman, is his conscientious application of himself to the discharge of his duty; his serious endeavour to save those that are committed to his care; to turn many from darkness unto light, and from the power of Satan unto

unto God; and all this may be performed by a pious and good man, though of more ordinary attainments, in the polite way of conduct and conversation; and is sometimes neglected by those of brighter parts, and more shining abilities. But 3. Should we leave a passage for real merit, and the power to shut and open it in our Bishops hands, we have too much reason to conclude, from their present management, that interest, ignorance, and impudence, would croud it most; and by the harmony, and good agreement, that is usually observed betwixt those, would conspire to juggle, poor, threadbare, unbefriended, merit out of its place. And after all, 4. It will be less gratifying, and discouraging to a man of real merit, to find himself postponed by a fixt inexorable law, to one that is his senior in the Ministry, though of inferiour abilities, than to be forced to give way to a presuming young favourite, who hath often nothing but garniture and relation to recommend him: so that there is no reason to recede from a regulation that hath many and great advantages undeniably attending it, because of some inconveniences (and those of a lighter nature) that may possibly ensue. And besides, all other methods of redressing that abuse, that I can think of, would continue the same partialities and injustice on the inferiour Clergy; and would also probably run them into endless struggles and factions for prefer-

preferment, which would but expose the whole body to contempt.

Obj. This rule depriveth Bishops of all jurisdiction over the Clergy, and leaveth them no power to reward the merit of the diligent, and industrious; nor to punish the faults of idle and vicious Clergymen.

Sol. I answer, this rule depriveth Bishops of no jurisdiction they formerly enjoyed; they may still punish sloathful and vicious Clergymen, as though no such regulation had been made; and as to rewards, the Nation (notwithstanding this regulation) takes a sufficient care, by providing a decent support for such as do not render themselves unworthy of it: so that this regulation, leaveth Bishops all that power and jurisdiction they can justly claim as necessarily inherent in their office; for suppose a Diocese did consist altogether of prebendative livings, i. e. such as are in the gift of Lay, or other Patrons, (which is a thing no ways impossible) it will, I suppose, be readily allow'd, that the Bishop of such a Diocese, would have as extensive a jurisdiction over the Clergy thereof, as compleat a power in all those things, he can claim as necessarily inherent to his office, as he would have had, if all the livings of his Diocese had been collative, i. e. in his own gift.

So that this regulation only depriveth Bishops, of the power, to be partial and unjust to the settled inferior Clergy of their several
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Dioceses;

Dioceses; it hinders them to portion off young girls with the patrimony of the Church; and to thrust hopeless relations into the wealthiest livings of the Diocese; but these ills will not, I presume, appear so formidable to the Legislature, as to deter it from such a wholesome regulation.

As to the sixth and seventh rules, they are only a method for the more effectual execution of the fifth, and nothing needs be said in their favour, since nothing, I believe, can be said against their fitness to that purpose.

I have now done with what I first proposed on this head of Simony; and have shewn (I may presume to say) with sufficient evidence, that our *Irish* Bishops, are generally, if not universally guilty of Simony: I have answered some objections that fell in the way, and likewise have suggested some regulations, which would, I am perswaded, (if duly enforced) effectually prevent that cursed abuse as our thirty fifth *Irish* Canon calls it.

Bishops guilty of Sacrilege. I therefore now proceed to the second general head, viz. to shew, that our *Irish* Bishops are generally, if not universally guilty of Sacrilege; and this I shall endeavour to do, from two several instances of their conduct, viz. 1. from their reserving to themselves several Parishes, with all the advantages of tithe, glebe, &c. belonging to them, in each of their Dioceses, without conscientiously endeavouring to discharge the
Parochial

Parochial duties thereof; 2. from their defrauding their successors of half the yearly value of the lands belonging to their Sees, by leasing them out at half value; either to strangers for a fine, or to themselves, their children, relations and dependents without one.

1. I say our *Irish* Bishops, are generally, if not universally, guilty of ^{1. In Tithes.} Sacrilege, by reserving to themselves several Parishes, with all the advantage of tithe, glebe, &c. belonging to them, without conscientiously endeavouring to discharge the parochial duties thereof.

That all our *Irish* Bishops do so reserve to themselves several Parishes in each of their Dioceses, without conscientiously endeavouring to discharge parochial duties in any of them, is I think, plain matter of fact; at least I know no Diocese in the Kingdom, in which the Bishop doth nor hold many Parishes in his own hand, without any such endeavour: I am therefore to prove, that their so reserving the profits of those Parishes to themselves, is Sacrilege.

It must be confessed, that all tithes and offerings at first the voluntary contributions of the faithful, were paid in to the Bishop; and that he made a dividend to each of the Clergy, reserving a certain proportion (usually a fourth part of the whole) to himself; but this method being found very inconvenient to the inferior Clergy, and differences arising there-

upon, when religion had spread itself in the Nation, and had come to a more perfect settlement, by the legal Appropriation of the National tithes to the Church, and the parochial division of Dioceses, then at latest, those tithes, glebes, offerings, &c. became Parochial endowments; and were appropriated to the maintenance of the inferiour Clergy, who did Parochially administer in holy things to those who paid, or gave those tithes, glebe, offerings, &c.

By which it appears, that tithes, glebe, offerings, &c. are now Parochial endowments dedicated to God, for the support of those who conscientiously endeavour to discharge the Parochial duties of such districts, to those who pay or give those tithes, glebe, offerings, &c. and therefore if others, who do not conscientiously endeavour to discharge those Parochial duties, do possess those Parochial endowments, they alienate them from the true end for which they were design'd; and are therefore guilty of Sacrilege; for there is by their dedication to such an use, (*Vinculum conjugale*, an inseparable relation fixt) betwixt Parochial duties and Parochial endowments; and the conscientious endeavour to perform the one, is the sole ground of any just and honest claim to the other; for, *propter officium datur beneficium*, as Canonists say.

Since then the case is so, I would fain know whether our Bishops possession of so many
Parishes

Parishes of their Dioceses, with their endowments, be not a Sacrilegious invasion of their right, who discharge the Parochial duties thereof: and what makes this more plain, is, that our Bishops do not pretend to hold those Parishes, as Bishops, but as Rectors, Prebendaries, &c. thereof, and must be therefore supposed, by a just implication and consequence, to have taken on them a conscientious endeavour to discharge all those Parochial duties, without the least intention of performing any of them.

There is a constitution of Archbishop *Langton's*, that our Bishops would do well to consider; for the reason of it seems to reach this practice of theirs, as well as that against which it was designed; it was intended against Archdeacons taking visitation fees, when they did not visit in person, to prevent which he commands them not to presume to take fees for not visiting: and therefore I think, *pari jure*, *Bishops ought not to presume to take parochial endowments for not officiating Parochially, and knowing it impossible they should.*

But what makes this Sacrilege of our Bishops wholly inexcusable, is that ample endowment in lands, which the Nation hath annexed to each of their Bishopricks in the Kingdom; and which seems plainly to intimate, that the Nation intended, Bishops and inferiour Clergymen should have different methods of subsisting; what a shame now is

this, that Bishops who are so plentifully provided for, should endeavour to add to their superfluity and abundance, by Rapine and Sacrilege?

Obj. But perhaps I shall be told, there are many express laws of the land, in favour of this practice of Bishops.

Sol. The law to which this practice chiefly oweth its original and present protection, is the Popish Canon law, by which our Church is at present principally governed; and indeed I do not wonder, that such a corrupt system of law should patronage the worst of actions; but I must own, I think it a reproach to our Church and Reformation, that we are so long governed by those Canons, which are at the bottom mostly a complication of Papal usurpations, forgeries and impostures, brought into *England* by the Legatine power, and the violence and turbulent behaviour of the Archbishops of *Canterbury*; and thence, along with the Pope's authority, by an assembly of the Bishops at *Cashel* in 1172, and afterwards, deduced into this Kingdom; But seeing we have upon such good grounds, renounced the superstitious and erroneous doctrines of Popery, why should we yet retain those corrupt laws, which were a main support them, as being the truest foundation of the Papal authority? And in this, I am confident, I do but speak the secret complaints of a great part of the Clergy of this Kingdom, who sincerely desire to be freed from

from these remains of Popish slavery.

And that our first reformers had much the same thoughts is very plain, for not to mention the submission act, in the time of *Henry VIII.* by which a review of the Popish Canon law was ordered to be made by thirty two persons, half Laymen, half Clergymen, chosen by the King, (which by an *Irish* Statute was made a law to this Kingdom) and such Canons as were not contrariant to the law of God, the Statutes, Customs and Prerogative, to continue only till such a review could be made; (and so the Canon law in these Kingdoms can be considered at present, only as an *Interim*, though most good men think it of much too long continuance) in the reign of *Edward VI.* the same design was set on foot again, and a body of Church laws was drawn up and published, though not authorized, under the title of *Reformatio legum Ecclesiasticarum.*

And though this design be not yet come to perfection, and by that means, as Bishop *Burnet* expresseth it, *the tares are still suffered to grow up with the wheat*, (and I may add, very often to choak and starve it) yet all good men, who understand the abuses, which that Canon law doth occasion in the Church, do wish a speedy conclusion to that affair: nor is there any reason, as the Bishop there imagines, to defer that good work to the great harvest; since the present time is a very pro-

per harvest or season for it; if the Parliament (and only such an authority is sufficient there-to) shall think fit to enter on it with vigour.

And though it cannot be supposed that our Bishops, whose practices are favoured in so many particulars by that Canon law, will heartily contribute to a thorough reformation of it; yet if they would consider these things with a due regard to the dignity of their order, rather than to their private secular interest, they would certainly help forward with it: For what are all their licenses, dispensations and faculties; their *Mensals* and *Commendams*; their Consistorial jurisdiction and visitations, and other gainful corruptions of the Church, at present in so much credit with our Bishops, and which are principally founded in the Popish Canon law, but so many remaining badges of their Papal servitude?

For all those powers, as now managed, were originally delegated to them by the See of *Rome*; and were clear acknowledgments of the Pope's supremacy over them; and therefore with that had been banished our Church; had not our Bishops, had a more sacred regard to their secular interest, than to the dignity and independency of their order.

And therefore our Bishops must not think themselves sufficiently justified, because they can cite such or such a branch of the Pope's Canon law, in their defence; they ought rather to blush that the badness of their cause hath

hath forced them to shelter themselves behind those intrenchments; that *Rome* had thrown up against common justice and equity.

As to those parts of our Statute law, that mention and allow the same practices, I can only say, that our Bishops, having always had so great an hand in the Legislature, by their votes in house of Lords, and their interest in the house of Commons, it was easy for them, by watching favourable opportunities, to obtain almost what laws they pleas'd; for the temporal Lords and Commons seldom gave any great opposition to bills, about Ecclesiastical affairs, brought in by the Bishops, charitably presuming, they would introduce none that were not really for the good of religion.

And therefore upon the whole, I cannot think our Bishops practice in reserving many Parishes in their several Dioceses, to be sufficiently vindicated, by their citing either Canon or Statute in their defence; for if such a practice be in it self, and antecedently to those laws, a Sacrilegious alienation of those endowments of Parishes, no subsequent Canon, or Statute can annul the guilt thereof: And that such alienations are Sacrilegious, antecedent to those laws, our Bishops must grant; or else they must affirm, that they might *pari jure*, if the laws of the land had permitted them, have reserved to themselves all the Parochial endowments of their several Dioceses, without conscientiously endeavouring to discharge the
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Parochial duties in any one Parish of them; but this I suppose they will not affirm; and therefore I must conclude, the practice is Sacrilegious notwithstanding those Canons or Statutes.

So that the whole difficulty turns upon this point, whether the Canon and Statute law, can wholly alienate those Parochial endowments, to such as do not conscientiously endeavour to perform the Parochial duties that were annexed thereto, so that they may possess them without Sacrilege, (or a sin of any other denomination, and let us then know what is that sin?) And seeing our Canon law doth now depend upon, is controulable by, and ultimately resolved into our Statute law the question cometh at last to this, whether the Statute law of this land can without Sacrilege, (or a sin of any other denomination and what?) alienate those Parochial endowments, that have for many ages, been dedicated to God, as a support to his Ministers, in their discharge of Parochial duties, to those from whom such Parochial endowments are received? and whether the persons who shall possess such Parochial endowments without conscientiously endeavouring to discharge, such Parochial duties, are not likewise guilty of Sacrilege, or a sin of some other denomination, and what is that sin?

The question being thus unfolded, and taken out of those covers, that art or ignorance had

had wrapped it up in, gives no great difficulty in the solution; for I suppose, all that understand the property, that God hath in those things that are once dedicated to him, will affirm with me that no human laws, can without Sacrilege, or a sin of some other denomination, resume and alienate, those Parochial endowments, that have been dedicated to God, as a support to his Ministers, in their discharge of Parochial duties to those, from whom such Parochial endowments are received; and that no others can possess those Parochial endowments, unless they conscientiously endeavour to discharge those Parochial duties, without Sacrilege or a sin of some other denomination.

If our Bishops will not allow this proposition true, let them expressly, and in direct terms assert the contrary, *viz.* That they think the laws of the land, may without Sacrilege, (or a sin of any other denomination) resume and withdraw all those endowments of tythe, glebe, &c. from the Clergy that they now enjoy, and that they, on whom they settle them, may without Sacrilege (or a sin of any other denomination) possess them, tho' they do not conscientiously endeavour to perform the parochial duties for which they were given.

When our Bishops have ventured to assert thus far, the consequences are easy, numerous, and may be fatal to themselves as well as to the inferiour Clergy.

Not

Not that I assert, or would in the least insinuate, that the Statute law of *Ireland* hath done any such thing; or given the least countenance or encouragement to that practice of Bishops; it is a brat, for which if our Bishops would find a father, it must be, either their own avarice or the Pope and his Canon law; the Statute law is not to be charged with it, so far as I could discern.

So that we are not now disputing, what the laws have already done, but what they justly may do.

And altho' I am ready to give a very great latitude to the laws of the land; and am willing in all things, to render to *Cæsar*, (*i. e.* to the laws of the land) the things that are *Cæsar's*; yet I would inviolably preserve to God, the things that are God's: and its certain, God accounts all tythes, offerings, and such endowments, as are once dedicated to him, to support his worship and service, to be his, as you will find it in the *iii^d.* of *Malachy* and *8th.* verse. *Will a man rob God?* (saith he by his prophet) *yet ye have robbed me; but ye will say, wherein have we robbed thee?* to this he replies, *in tythes and offerings.* And it's very probable the *Jews* had then some law amongst them, to justify this their detention of tythes and offerings; for seeing, as appears by the next verse, that the sin was national; *for ye have robbed me,* saith God there, *even the whole nation,* it's probable, this their detention, was founded on
some

some law to that purpose; and yet God did not think that sufficient to divest him of his former right in those things, for notwithstanding any such law, he tells them, *ye (i. e. the whole nation) are cursed with a curse*: these are very emphatical expressions, and the threatening denounced very heavy; our Bishops would do well to consider, how far the one may be applied to them, or the other ought to be feared by them.

I grant indeed, that where endowments have been settled to encourage superstition, tho' under a pretext of religion, the laws of that land, may prohibit that superstition and apply those endowments to any truly holy purposes: but where endowments have been applied to such uses, as do really promote the glory of God, and the good of religion; and especially if those uses are acknowledged by the laws of that land to do so; then I think that no human laws can separate those endowments from the discharge of those duties, no more than they can justly deprive the subjects of the benefit of those duties.

I am not for encouraging any superstitious notions of *consecration* or *dedication*; as if it gave any spiritual virtue, or inherent holiness to the thing so *consecrated* or *dedicated*; yet I think I may venture to say, that it implieth this much, *viz. a translation of the property thereof, from man to God: the donor doth thereby divest himself, of whatever right,*
title

title or interest he had therein; and doth appropriate it to the use and service of God; so that he can no longer lay any just claim thereto: And seeing this Nation hath many ages past, by its reception of the laws of England, in the most solemn and irrevocable manner, and with the most dreadful imprecations, consecrated or dedicated those Parochial endowments to God, to be a support to such as conscientiously endeavour to perform those Parochial duties, to his glory and honour; it hath made an indissoluble nexus or union betwixt these duties and those endowments, it hath parted with all its former right therein; and therefore, cannot now by any law whatever, resume them, nor so far separate the one from the other, as to bestow those endowments, on any that do not conscientiously endeavour to perform the duties thereto belonging.

And yet this must be supposed practicable, before our Bishops (who do not ever intend conscientiously to endeavour to discharge any of those parochial duties) can possess those Parochial endowments, by any honest title.

But notwithstanding the nation hath thus parted with all her former right in those tythes, offerings, &c. so that she cannot now resume them or dispose of them to any other uses; yet there is thereby another right accruing to her, that she still possesseth; and that is, a just claim to have those Parochial duties honestly discharged, for which those parochial endowments

dowments were given by her, by those who enjoy them; this she may justly insist on and provide for by proper laws and penalties; and this right she is deprived of by our Bishops, who possess those endowments, without conscientiously endeavouring to discharge the duties thereto belonging.

Seeing then the case is so, I think all those Bishops who do separate Parochial endowments from Parochial duties, by possessing and enjoying the former without endeavouring to perform the latter; under the pretence of some few laws, obtain'd probably through inadvertency of the Legislature, are guilty of Sacrilege.

I know in *England* (and perhaps it may be so in *Ireland* in some Dioceses) the tythes of many Parishes, have been conferred on Bishops, in lieu of lands that have been taken from their Sees, which is, I think, the case of the Bishop of *Lincoln* and some others. This seems indeed the most plausible pretence for Bishops possessing and enjoying tythes, and yet even this, will not justify the practice I now condemn. For in the First place, this is the case of very few, if any Bishops in *Ireland*, of whom alone I now discourse. But Secondly, As to those *Irish* Bishops, if any, who suffer by the like practice, they would, I think, have acted more agreeably to the character of good Bishops, had they generously refused such reprisals, as they knew they could not accept, without

without partaking in the Pope's Sacrilege, who had unjustly alienated them to Monasteries, from the Parochial Minister, to whom they of right belonged; and besides, had they by refusing such a reprizal, declared their just abhorrence of such practices; they would have taken the most probable method to incline the State to restore them their lands; and the inferior Clergy their tythes: but when Lay Impropropriators, and others, saw Bishops so easily brought to a compromise, and to share with them in their ill gotten acquisitions, it brought them to a favourable opinion of their own practice: so that Bishops, have by such mean compliances; by their avaritious hawling in of Parishes, *ad mensam, in commendam*, or otherwise; made themselves in some measure accountable for the continuance of the National guilt of Sacrilege, by the credit and reputation, their practice hath given it. But of this more afterwards.

But this argument extends its force beyond Bishops, and may be urged with equal success, against those inferior Clergymen, that hold either Rectories or Prebends, &c. tho' with Vicarages endow'd, and do not conscientiously endeavour to perform the Parochial duties thereof; for this division of a Benefice into Rectory and Vicarage, is nothing but a Sacrilegious artifice of the court of Rome, either to maintain a swarm of negligent Ecclesiastics there, to encrease the splendor and magnificence of it;

or

or to support idle and unnecessary Fryars, in their Monasteries, in a perpetual contest or war with Princes, or Bishops, on the Pope's account, for his many usurpations on both.

These seem to me, to have been the true reason of that unnatural division of a benefice into Rectory and Vicarage; and seeing these Benefices of the inferiour Clergy, that are now so divided, were originally on the same foot, with those of Bishops just now mentioned; and that the Parochial duties were as strictly united to the Parochial endowments in these, as in the former; it must be equally Sacrilegious, to separate or divide, these endowments, or any part of them, from their correspondent Parochial duties, in these Benefices, as in the former.

So that all the arguments I urged just now against Bishops, fall in here with equal force, against such Rectors, Prebendaries, &c. as receive Parochial endowments, either the whole, or any proportion, or part thereof, without conscientiously endeavouring to discharge the Parochial duties belonging thereto; tho' indeed some circumstances may make it more criminal, and inexcusable in Bishops, than in inferiour Clergymen.

I suppose the Bishop, Prebendary, Rector, &c. will unanimously, and with great severity, condemn the Lay impropiator, as a Sacrilegious invader of the Church's patrimony; and yet to me, they all seem sharers in the

same guilt, for I look on the Vicar, as he is now called, who conscientiously endeavours to discharge the Parochial duties, to be the only person who hath an honest and rightful title to the whole, or any part of the Parochial endowments; and therefore, whether he be Layman, Bishop, or inferiour Clergyman, such as I have described, that depriveth him thereof, he is I think, a Sacrilegious invader of God's heritage: *of the three, I think indeed, the Lay impropiator the least criminal, because being a Layman, he is not obliged, to so great a care and tenderness, towards the Church's interest, as Clergymen are; and I think the Bishop the most criminal, because being otherwise so amply provided for, he cannot be tempted by his necessities, to make any Sacrilegious gain of the Church's patrimony; but yet the inferiour Clergyman who holds a Rectory, Prebend, &c. without conscientiously endeavouring to discharge the Parochial duties belonging thereto, cannot, I think, be excused from the same crime of Sacrilege: and did not his interest plead powerfully with him in behalf of this practice, it would be easy to persuade him of this truth.*

He will readily allow the impropiator guilty of Sacrilege, why? I suppose it must be, because he witholds a very considerable part (usually two thirds) of the Parochial endowments, from the Vicar who dischargeth the whole Parochial duties belonging thereto: but
doth

doth not the Ecclesiastical Rector, Prebendary, &c. the same thing? and is he not therefore as injurious to the Vicar as the Lay impropriator?

Obj. But the Ecclesiastical Rector, Prebendary, &c. is a Clergyman and therefore capable of possessing those endowments in his own right, which a Lay impropriator cannot be.

Sol. I answer, those Parochial endowments were immediately annexed, not to persons of such a function, but to certain duties, to be perform'd by persons of such a function; and therefore only they who do conscientiously endeavour to perform those Parochial duties, can have an honest title to those Parochial endowments. So that, notwithstanding the diversity of expression in law, (which is but a thin disguise to cover an iniquitous practice) I look upon all glebe, tithe, and other Parochial endowments, whether they be appropriated to Cathedrals, to Vicars Choral, to Deans and Chapters, or whether they be held by Bishops, Deans, Prebendaries, Rectors, Canons, or the like, who do not conscientiously endeavour to discharge the Parochial duties thereto belonging, to be as truly impropriated, *i. e.* as really alienated, from their original use and design, as if they were possessed by a Lay impropriator; for pray, what is the difference, as to any good purpose of religion, betwixt a Layman who cannot and a Clergyman who will not discharge those Parochial duties.

Obj. The Vicar is as a perpetual Curate, and only distinguished from him by some formalities of law; as therefore the incumbent, when he hath stated and discharged his Curate's salary, may enjoy the remainder without the guilt of Sacrilege; so the Rector, Prebendary, &c. having reasonably endowed his Vicarage, may enjoy the remainder without Sacrilege.

Sol. Tho' this objection may seem to fall with a great deal of force on what I have said; yet I hope it may receive a satisfactory answer by what followeth. I think therefore (considering the strict relation there is, betwixt Parochial duties and Parochial endowments) that a constant Curate ought not to be granted to any Clergyman arbitrarily, at his bare request; nothing but a visible necessity ought to intitle him to so great an indulgence, for such it is; and that necessity, can only be some real inability, either through age, infirmity or some other unavoidable or important occasion, to discharge the duty in his own person; but if a Curate is desired only to gratify the lazy humour of the Incumbent; and to excuse him from attending the labours of his ministry; that portion of the revenue of his Parish that he receiveth, is unjustly possessed by him.

So that in my opinion, nothing but such a real necessity, can justify the desire of having a constant, and settled Curate; and therefore the analogy or proportion, that is betwixt a Rector and his Vicar, is very different from that,

that, which is betwixt such an Incumbent as I have describ'd and his Curate; the omission of the Rector is wilful, he doth not pretend any inability, or enforce'd absence to discharge the Parochial duties of his Rectory, Prebend, &c. but pleads an absolute freedom and utter exemption from any other obligation thereto; and therefore, tho' a great deal may be said in defence of such an Incumbent as I have described, against his Curate's having the whole income; nothing I think, can be said in favour of the Rector, &c. against his Vicar's enjoying the whole revenue of the Parish.

As to those Parishes that were formerly appropriated to Monasteries; it's plain those Monasteries, did for a time, discharge the Parochial duties of their several Parishes, by some Members of their own body, (some of them perhaps, till the fourth of Henry IV. when Regulars were prohibited to be Vicars to any appropriated Church) and whilst they continued to do so, they might be said to have a just and equitable right to the endowments of those Parishes, in right of their services that did attend them; for those endowments properly belonging to them, they might devote the Fruits of their labours to their own Monastery, or to any other use they thought fit, for *injuria non fit volenti*: but as soon as Monasteries came to a composition with a secular Clergyman, and delegated to him as Vicar, the discharge of the Parochial duties of any of their Parishes

es, they did, *eo ipso*, divest themselves of any just right or title to any part of the Parochial endowments thereof; and the detention of them, became thenceforward, a Sacrilegious invasion of the Vicar's right, who was intitled to the whole endowment: *for seeing that those Parishes that belonged to Monasteries, were appropriated to them, by the donation of Bishops, or Lay Patrons; as it would have been Sacrilege in either Bishop or Lay Patron, to detain for their own private use, from him that performs the Parochial duties thereof, any part, or portion of the Parochial endowments of those Parishes that are in their Collation or Patronage; so must it be in those Monasteries, who derive all their right to those Parishes, from those Bishops or Lay Patrons.*

And though Vicars content themselves at present with their portion, it is not because they think that their whole due, but because they see no legal method of regaining what is withheld from them.

Obj. But there are certain duties of the Cathedral, to be performed by the Prebendary, &c. which may justly entitle them to those Parochial endowments they now receive.

Sol. I answer *First*, those duties of the Cathedral cannot excuse such Rectors on whom they are not incumbent, which is the case of many in the Kingdom. *Secondly*, Those duties of the Cathedral now Incumbent on Dignitaries, are but a solemn Popish artifice, to palliate and
disguise

disguise the Sacrilege those Dignitaries are guilty of, in withdrawing on their account, usually two thirds of the Vicar's income from him. And I may truly say of that practice, that from the beginning it was not so. *Bishops were so much obliged to supply the Pulpit in their own, i. e. in their Cathedral Church, that no Presbyter was allow'd to preach in the presence of the Bishop, for some hundreds of years, in the Church of Africa, and in many other places.* And *Valerius*, who (first in the Western Church) broke through this rule, by suffering *St. Augustine*, whilst a Presbyter, to preach before him, was severely censured by the other Bishops of *Africk* for this innovation.

But our present Bishops have so happily experienced the ease which the violation of that ancient rule giveth them, that they can hardly be prevailed with to preach before their Presbyters; and have wrapp'd up their talent of preaching so close in their lawn sleeves, as *Dr. South* wittily expresseth it, that nothing less than the presence of the Government or some very great solemnity can persuade them to expose it to the publick.

And therefore I think (and shall hereafter endeavour to prove) it would be a just regulation, and would very much contribute to abate the animosity of our Dissenters against our Church, (whose greatest outcry is now against the idleness of our Bishops) that the Bishop should take the Cathedral for his Parochial

Church, *as it certainly was at first*, and discharge all the Parochial duties belonging to it. By this Cathedrals would no longer be an incumbrance on the other Churches of the Diocese, as they now are, on a double score; *First*, they give a pretence, though a very ill favour'd one, to those Dignitaries, to alienate from him that I account the only true Parochial Incumbent in those Parishes (though our language, to cover a corrupt practice, calls him the Vicar) two thirds of those profits that justly belong to him, for preaching two or three Sermons in the year. *Secondly*, Many of those Dignitaries have, beside their Cathedral Dignity, some Parochial Cure incumbent on them; and therefore whenever a Cathedral turn is served by them, their own flock is neglected to the great scandal of religion and discontent of their Parishioners.

Obj. Well, but the Bishop is by this means, acquainted with the abilities of the Clergy of his Diocese, which otherwise he could not be.

Sol. To this I answer, this is indeed the only tolerable pretence for those Cathedral turns, but yet it will appear a very insufficient one, by considering, *First*, that he might be much better acquainted with the abilities of the Clergy by other means, *viz.* by a familiar and easy converse, to which the laws of civility, and their character oblige him; and by a Parochial visitation of his Diocese; which is incumbent on him both by the ancient and modern Canons of our Church. *Secondly*, this

this can only acquaint him with the abilities of such of the Clergy as are Dignitaries in the Cathedral; what therefore shall become of others of the Clergy who are not obliged to those performances in the Cathedral, and who are much the greatest number of the Clergy, in most Dioceses? how shall he be acquainted with their abilities? which yet it is his duty to be. *Thirdly*, the reason assign'd supposeth a constant residence of the Bishop at his Cathedral, which yet will in fact, be often found otherwise; and that Clergymen, are forced to repair from very distant parts of the Diocese, to pay attendance on an empty Throne; and this must constantly be the case, where Bishops have two Cathedrals belonging to them; which many Bishops in this Kingdom have; though directly contrary to the ancient Canons of the Church; which ordain, that as one Cathedral can have but one Bishop, so one Bishop should have but one Cathedral.

I know Bishop *Stillingfleet* in a discourse of his, concerning the antiquity of *London*, faith a great many things in favour of Cathedrals; but there is nothing he there maintains that doth, I think, make much against what I have laid down. For in the *First* place, I am not for denying Bishops, the advice and assistance of their Cathedral Clergy, in *arduis imperiis*; no, nor of their rural Clergy, which might often perhaps be as useful; though we may easily judge from their behaviour to both, they

they would think the tender of advice from either, an unpardonable presumption; for to speak undisguisedly in this matter, are not their ladies and their female favourites, their chief or only *opitulatores & cooperarii Episcopalis sollicitudinis*? What matter of importance do they confer with the Clergy upon? Do they upon the demise of any Clergyman summon the remainder, to advise upon a proper person to supply the vacancy? No, there is another *oracle* to be consulted in that affair. Do they consult the Clergy about the correction of any criminal practices, and the reformation of any enormities in their Diocese? No, these are affairs they do not even concern themselves in; their Commissaries must sustain that whole burden; so that in short, I can see nothing in which they desire the concurrence of the Clergy, that is of the least moment to religion, and therefore, *tho' this topick of the Bishop and his Council or College of Presbyters, may serve for the subject of a pretty plausible harangue, if well varnish'd and set off, in the pulpit or in common conversation; yet at the bottom there is nothing of reality in it; there are not the least footsteps to be seen in the practice of our present Bishops, that such advice is either sought or given.*

And there are some positions quoted there by Bishop Stillingfleet, on this head, that our Bishops would as unwillingly admit to practice, as any thing I have laid down: viz, *That*

the

the Bishops sentence should be void, if he gave it without the advice of his Clergy; that it is, de honestate, & de jure communi, that he should make use of it; that Presbyters are, Episcoporum confratres, consilarii & assessores, a Senate of God's own appointing; that the Dignities and Prebends of Cathedral Churches (and I should likewise think all Parishes of the Diocese, whose Incumbents could and would attend) were membra Episcopatus. These are hard and haughty sayings, I fear our present Bishops cannot bear them.

But *Secondly*, Neither am I against the solemn and decent administration of divine service in Cathedrals; though I should think, it would be so much the better, if this decency could be made Parochial; and the most likely way, in my opinion, to bring this about, is for the wealthier, dignified Clergy, to live in those their Parishes, out of which their wealth ariseth; for they, to be sure, must have a greater influence, than a Vicar or Curate; the narrowness of whose circumstances, render them unable to influence their flock to any great purpose.

Nor *Thirdly*, Do I deny their antiquity, and the great share Cathedrals had in converting those among whom they were settled; though I think it hard to infer, the necessity of the residence of a multitude of Clergymen now, who have little or nothing to do, from the necessity the Church was under, to have

have such a multitude in a readiness, to send out into the several parts of it, for its conversion, in the infant state of Christianity.

So that nothing, that Bishop *Stillingfleet* there layeth down, is much against what I have said.

What therefore I chiefly urge against Cathedral, is the unjust method, by which such a multitude of Clergymen is subsisted, viz. by Tithes, and other Parochial Endowments, which I think to be Sacrilegiously alienated from the Vicar, who dischargeth the whole Parochial duty, for which those Tithes and other Parochial Endowments were originally given.

If they can find any other way of subsisting them, whether by lands or other Endowments, not yet applied, let the number be as great, as decency requires, I know none that are members of our Church, will quarrel at it.

What I have said under this head, about the alienation of Tithes, especially so far as it concerns the inferior Clergy, will I know be looked on as a novel and strange doctrine by many: the practice I condemn is so general, that few will believe it criminal; yet if we look back into History, we shall find, that in the darkest times of Popery, the like practices have been loudly complained of.

From the time that Parochial Endowments began to be appropriated to Monasteries, a quarrel commenced and so continued, between the Secular and Regular Clergy, even

to the Reformation; and it's not improbable, that there are heart burnings between them, even to this day, in Popish countries, on the same account.

The custom of appropriating Tithes, and other Parochial Endowments to Monasteries, seems to have been more frequently practised in these Kingdoms, from the time of the *Norman Conquest*; and for this *Stillingfleet* in his *Duties and Rights of the Parochial Clergy*, assigns this reason, *viz. the National hatred that was between the English and Normans.*

By the Constitution at that time, no Church could be appropriated to a Monastery, without consent of the Bishop, who was to take care that sufficient maintenance might be reserved to the Secular Clergyman, who officiated in the appropriated Church; but the Nobility, Bishops, and Monks being mostly *Normans*, as the Secular Clergy were generally *English*, the Bishops in favour to the Monks their countrymen, and with a design farther to impoverish the *English*, permitted the Nobility and great men, as fast as they thought fit, to appropriate the Parochial Endowments of their Manors to Monasteries, without any care taken to reserve a sufficient maintenance for the Secular Clergy; by which they were reduced to so low a condition, that *Alexander III.* sends a severe reprimand to the Bishops, for favouring the Monks so much and the Secular Clergy so little. And *Alexander IV.* complains

complains of such Appropriations, as the bane of religion, the destruction of the Church, and as a poison, that had spread itself through the whole Nation. These were the sentiments of those two, and of some other Popes, as of *Hudrian IV. Clement V.* and some others. And sure the practice must be very odious, when the Popes, notwithstanding their known partiality to the Monks, could be prevailed with to declare against it. Nay some of the Monks themselves, as particularly the *Cister-tian* Order, disliked Appropriations as great injuries to the Parochial Clergy, and expressly call it Sacrilege to take away their Tithes from them, though they soon changed their note.

Obj. But it may be said, the Popes do not condemn all Appropriations, but only such as were made without reserving a sufficient Endowment for the Vicar.

Sol. I grant indeed, that only such Appropriations were condemned by the Pope, and complained of by the Clergy; but if the Clergy acquiesced in suffering such Appropriations as had Vicarages endowed, it was from a prevailing error of those times, that the Pope had a just and indisputable right (according to *Boniface VIIIth's* usurpation of an absolute dominion over the Patrimony of the Church) to dispose of Ecclesiastical Endowments, as he thought fit: and therefore, the Parochial Clergy thought themselves bountifully dealt with, if he gave the Monks no more than two thirds
of

of their Endowments; but we who assert Parochial Endowments to be given for discharge of Parochial duties, and deny any such right in the Pope, or any other, ought, I think, to deny the lawfulness of those Appropriations, that are solely founded on it. And therefore, when this usurped authority was banished the Nation by *Henry VIII.* I must own I should have thought the Reformation that ensued, so much the more graceful, lovely and unexceptionable, if the Appropriations, that were then resumed, had been restored to their respective Churches, from which they had been Sacrilegiously alienated, by the Pope and Regular Clergy.

But besides, the same Author in his *Idolatry of the Church of Rome*, pag. 360. brings a miserable complaint of the Secular Clergy's, from *Peter de Vineis* in the thirteenth century, against the incroachments the Regulars had made upon them; and *Armachanus* in his *Defensio Curatorum*, in the fourteenth Century asserts, it is not in the Pope's power (which yet is acknowledged the principal, or sole foundation of most of those Appropriations) to grant such privileges as destroy the rights of the Parochial Clergy, of which that of holding and enjoying Parochial Endowments, without conscientiously endeavouring to discharge Parochial duties, is certainly the most destructive of any. In the same Century *Wickliffe* complains, according to the same

Author

Author, of those Regulars, *that they had drawn fro Curats, (i. e. the Parochial Clergy) their Sacraments, wherein lien winning and worship:* and those Cardinals assembled by Pope Paul III. 1578. for advice concerning the reformation of the Church, declare, that Benefices ought to be conferred only on such as discharge the duties they are obliged to perform (*i. e. the Parochial duties*) in their own persons: that the revenues are annexed to the Benefice (had they said to the Parochial duties to be performed, which however perhaps they mean, they had certainly been in the right) as a body to the soul; and therefore they do in their own nature belong to him that hath the Benefice, for they suppose him that hath the Benefice to discharge the Parochial duties thereof, or conscientiously to endeavour it.

So that I am not the first that hath complained of the invasions that have been made on the Parochial Endowments of the officiating Clergy; you see that the darkest times of Popery, and the warmest advocates for other corruptions of the Church of Rome have disclaimed this. And if our Bishops and Dignitaries, do weigh matters in a just and equal ballance, they will find, that in this particular, they stand on the same foot with those *Friars*; they succeed them in their Sacrilegious alienations of the rights of the officiating Clergy, and possess their Parochial Endowments

ments by the same unjust tenure; for from the Monks, Bishops and Dignitaries learned those arts of Sacrilege, as Dr. Reeves observeth in the aforesaid treatise.

What a blemish is this to our Church ! that those practices should be now familiar amongst our Bishops, and most considerable Clergymen, which those times of grossest ignorance and greatest corruption were ashamed of? it is the avowed doctrine of our Canon, and, I think, of our Statute law, that our Dignitaries are not instituted *ad curam animarum*; so that that which is the sole end of a Clergyman's function, is disclaimed by them, and the whole burden thrown on the poor Vicar, though, at the same time, he be defrauded by the Rector, whether Bishop or Dignitary, of two thirds of those Endowments, that fairly and honestly belong to him.

Our Bishops have for a long time joyned in the clamour, that hath been raised in the Nation, against pluralities and non-residence; Bishop *Stillingsfleet* in his *Ecclesiastical Cases*, takes some pains to shew the sinfulness of the practice; he tells us, the Canonists say, the reason there is no command in scripture for personal residence is, because the nature of the duty requires it; that Clergymen are admitted, *ad curam animarum*; that in their ordination they promise to teach the people committed to their charge; that no dispensation from that duty, can justify a man, unless there

be a sufficient cause; and that no Custom can be sufficient against the natural equity of the case, whereby every one is bound from the nature of the office; nay he saith further, that where there is a sufficient provision by another fit person, and he approved by those who are to take care that places be well supplied, even this will not take off the force of the obligation (*viz.* to perpetual residence) arising from their undertaking the Cure themselves, which the Ecclesiastical law understands to be, not barely a promise, but to be *cum effectu*, which he there saith, implieth personal residence: and notwithstanding the distinction the Canon law maketh between the Rector and Vicar (by which the dignified Clergy, endeavoured to burn the poor Vicars fingers to save their own, they strove to exempt themselves, and (to divert the world from observing their negligence) to tie the load of personal residence on the Vicar's shoulders by an oath) *Stillingsfleet* saith, "the obligation is still the same in point of conscience, tho' the dispensing laws may take away the temporal penalties:" and *Athon* the Glossator on the Legatine Constitutions, grants, that "Rectors, as well as Vicars, are bound to residence." Here are abundance of hard things amassed together by Bishop *Stillingsfleet*, against the inferiour Clergy, but surely his Lordship never considered how easy it was to retort all this with plentiful interest on himself.

himself and other Bishops; *id manticae quod in tergo fuit, non vidit*, if he was then a Bishop (or even a Dean;) for if all these quotations have any power at all to enforce residence, (which must likewise imply the discharge of some useful duties to be performed, without which bare residence would be of no significance to the Church) our Bishops who hold Parochial Cures (which almost all of them in this Kingdom do) would do well to consider, how far they may be concerned in the matter; for certainly, whatever can be urged from those authorities against pluralities and non-residence, in any of the inferior Clergy, falls with redoubled force on the Bishops of this Kingdom; *for are they not the grossest and most inexcusable Pluralists? the most notorious, and reproachable Non-residents in the Nation? Are not the many, and very distant Parishes they hold in their several Dioceses, an undeniable argument that they are Pluralists? And doth not their wilful neglect of Parochial duties in those Parishes, irrefragably prove a criminal non-residence in them?* Indeed it would tempt men to think, that they fell in with the common cry against those crimes in the inferior Clergy (as ill women use to do) only to divert the world's attention, from observing how far they share in the guilt of them.

And as our Bishops are generally guilty, as to their Parochial non-residence; I think they

are almost as generally faulty as to their Episcopal; I mean on account of their long absence from their several Dioceses; for how many are there of them, whose constant residence is in Dublin? whilst the Clergy of their Dioceses and their flock are turned over to dry nurse, to a Vicar General or a Lay Chancellor: and if they now and then make a formal and pompous visit to their Dioceses, they are sure to make as quick a return from them as they can.

Nay we are told, that a certain great Prelate now in the pouts, hath for ever abdicated his Diocese, (I do not mean as to the benefit and advantages thereof) purely because some of his darling political schemes have been lately baffled.

Yet nothing can be more contrary to the rules and practice of the primitive Church, (that on some occasions our Bishops so loudly extol) than such a negligence; some of the Fathers fancied, that Consecration made a sort of a spiritual marriage, betwixt a Bishop and his Church; so that they thought he could neither have two Churches, (*i. e.* Cathedral) nor be translated to a second, nor be long absent from his own, without a spiritual adultery: should men of those sentiments, see the many double cathedraled, translated and non-resident Bishops amongst us, they would surely cry out, *Quot adulteri sunt Episcopi? Quot viduatae sunt Ecclesiae?*

But

But those fanciful men, who indulged themselves in Allegories on this subject, are not the only persons, that condemned this practice: there are many laws of the Church point blank against it.

The Council of *Sardica* hath many severe Canons to this purpose; she prohibits a Bishop to go to Court, unless called thither by the Emperor's letter; and though application was to be made to the Emperor for mercy; yet the Bishop, could only depute one of his Deacons, or Subdeacons, but must not go himself, lest he should be censured as neglecting the business of his Church. And *Justinian* hath a law of much the same import, commanding Bishops to manage their affairs at Court, by their *Apocrisarius*, or some of the Clergy. Nay further, the above Council of *Sardica*, will allow a Bishop but three weeks time to be absent from his Church, even though he is managing his private affairs; and then, he is obliged, to celebrate divine service, every Lord's day in the Church near which he then resides.

What shall we now say to our Bishops violation of so many ancient laws of the Church? Are we to reverence her Canons, as rules fit to direct our practice? or are we to look upon them only *tantum amiles fabulas*?

It's true indeed, they have been lately called so, in a very august assembly in this Kingdom, and that by a Prelate in a very high station;

station; but I am persuaded, that most who heard him did believe, *that in all he then said against the Canons, Councils and Fathers of the Church, he did abuse but very few of his acquaintance.*

But to come now to arguments of reason against our Bishops Episcopal non-residence; do they not expose themselves to the censure of an insatiate ambition by their long non-residence in their Dioceses? seeing the desire to make way for further promotion is generally thought a motive thereto: besides, do they not thereby entangle themselves in an inextricable dilemma? *for if all the branches of the Episcopal care, can for many years together, be discharged by a Vicar General or a Lay Chancellor, with equal profit to their flock and other members of their charge, what need hath the State to maintain Bishops at a great expence, when a small matter would content those equally useful officers?* But if this cannot be done with equal profit to their flock and other members of their charge, *how will our Bishops answer, the neglect of that greater good their presence might communicate to their Dioceses?* And as to ordination, the only power almost exempted from those officers; I am sure I have known some Bishops of such dexterity and readiness at it, that one of them could have plentifully supplied with a succession of young Clergymen, the largest Kingdom in Europe.

To

To sum up now what hath been said under this head, it appears 1. That Tithes, Offerings, and other Parochial Endowments of this Kingdom, have been dedicated to God to be a support to those that conscientiously endeavour to discharge the Parochial duties thereto respectively belonging. And therefore 2. To alienate those Parochial Endowments to such as do not conscientiously endeavour to discharge those Parochial Duties, or to possess them without conscientiously endeavouring to discharge them is Sacrilege. But 3. Our *Irish* Bishops do generally, if not universally, possess Parochial Endowments, without conscientiously endeavouring to discharge the Parochial Duties thereto respectively belonging; therefore 4. Our *Irish* Bishops are generally if not universally guilty of Sacrilege.

And this being, as I suppose, sufficiently evident, from what hath been said, it will be very proper, (as I did under my last head) to suggest a remedy against this pernicious evil, that hath been long corroding the vitals of our Ecclesiastical Constitution; and this I conceive might be done by a clause in an Act of Parliament, that should proceed in the following method.

1. By prohibiting Archbishops or Bishops, to hold any Parish, whether *in commendam*, *appropriate ad mensam*, or otherwise; to receive any part or portion of the Parochial Endowments, of tithe, glebe, poundage, of-

ferings, &c. whether as Prebendary, Rector, Canon, or under any other denomination whatsoever.

2. When a real union and division of Parishes; and the tithes thereto belonging, is made through the Kingdom, according to the seventh regulation under the last head; then by providing, that all Rectories, Prebends and Canonries, that are at present in the Collation of any Archbishop or Bishop, or in the presentation of any Dean, Dean and Chapter, Archdeacon, Rector, Choral Vicar or Vicars, or any other Ecclesiastical person or persons, as such; or that are held and enjoyed by any of the aforesaid persons, as Appropriate, *in Commendam* or otherwise; where the same are distinct and separate from their respective Vicarages, whether the Vicarages have stated Endowments or not, be for ever consolidated with their respective Vicarages, and be held and enjoyed by the respective Vicars in perpetual conjunction with their said Vicarages, and by their successors; but if the said Rectories, Prebends or Canonries, are Intire Rectories, *i. e.* without any Vicarages appointed, that then the said Intire Rectories, with all the advantage of tithe, glebe, poundage, &c. be held and enjoyed by the present Curates thereof, during their continuance as Curates thereto; and afterwards be succeeded to and enjoyed by the Clergy of the Diocese, according to the ancient custom of the same Diocese, against

ing to the fifth regulation under the last head. That the duties of Cathedrals at present incumbent on the Clergy thereof, may not be omitted, that the Archbishops and Bishops of the Kingdom, do take upon themselves, and personally perform, the preaching, prayer, and other Parochial duties, if I may so call them, of their Cathedral, and the Parish there to belonging.

Obj. These regulations introduce so great an alteration in Ecclesiastical affairs, that it will be necessary to see and resolve, what may be said against them, and 1. as to *Commendams*, it will be said they are of great antiquity.

Sal. I grant indeed they are of some antiquity; they seem to have been begun by *Benedict XII.* and were part of that superstructure he raised, on the absolute and universal dominion *Boniface VIII.* had usurped, and cannot therefore be very sound, when the foundation was so ill laid: but though they were of much ancienter date, yet to be sure, they are of much later date, than the National settlement of Parochial Endowments on the Clergy, for the discharge of Parochial duties; and therefore they cannot, I think, alienate the former to those that do not conscientiously endeavour to perform the latter, and as to the efficiency of *Commendam's*, I should think that, as *Bishop Stillingfleet* saith, both the *Commendam retinere*, that prevents an avoidance,

ance, and the real and proper *Commendam*, that grants a Living without institution or induction, do only dispense with the temporal laws, *pro hac vice*, that were in force against such practices; they exempt the Bishop from the temporal penalties, he would otherwise have incurred; but as to conscience and the law of God, they leave him in the same state they found him: if it would have been Sacrilege or a sin of any other denomination in him, to have enjoyed those Parochial Endowments, without conscientiously endeavouring to discharge the Parochial duties, if he had had no *Commendam*, it will continue the same, notwithstanding the *Commendam* in the sight of God: and this may be proportionably applied to any Rector, Prebendary or Canon, that likewise receives Parochial Endowments, without conscientiously endeavouring to discharge the Parochial duties thereto belonging, on account of a *Commendam* obtained.

Obj. It is necessary to support the Dignity of the Order, in small Bishopricks, by the help of *Commendams*.

Sol. *Stillingfleet* doth indeed assert, that this necessity is the best ground for any *Commendams*, and therefore *Commendams* ought not to be granted where this cannot be pleaded; but then i. with respect to our *Irish* Bishopricks, (of which alone we discourse at present) the supposition is false; as they are at present modelled, by the union of several
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into one, they are of sufficient value to afford, not only a competency, but a splendid maintenance suitable to the Dignity of the Order; and if their income is not much larger, it is owing to those scandalous leases they set of their lands at half value; *and sure it would be hard, to plead their Sacrilege in one case, to excuse the Sacrilege in another.* But 2. suppose some of their Bishopricks did afford a scantier maintenance, is it not better such Bishops should be content therewith, till a removal into a wealthier See were offered; and by a frugal, honest management, make the most of their income, than to be hurried in a coach and six to the destruction of body and soul, But 3. It is false, that only small Bishopricks have *Commendams* annexed to them; for the late Archbishop of *Tuam* held the Wardenship of *Galaway* in *Commendam*, and the present Bishop of *Cloyne* hath *Youghal*, and I am told another Parish by the same tenure, though both the Bishopricks are of considerable value, and, I suppose, there may be other Bishopricks in the Kingdom, under the like circumstances.

As to Parishes *appropriate ad mensam*, Prebends and Parishes held by our Bishops, by any other denomination, I know nothing to the purpose can be urged in favour of them; the antiquity of the practice signifieth nothing, as we have seen under the head of *Commendams*; and the smallness of the Bishoprick
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can't be alledged, seeing the richest Bishopricks in the Kingdom have many of them annexed; the Archbishoprick of *Cashel* hath, I have been told, about ten thousand acres of land in the Diocese of *Cashel* and *Emly*, which, I am told would set one acre with the other at ten shillings *per* acre, so that I may justly compute the whole at five thousand pounds *per annum*; and yet there are few unions in the Diocese, in which the Archbishop hath not one or more Parishes belonging to him.

I instance in the Diocese of *Cashel*, because I am more particularly acquainted with it, but I suppose the like may be observed in any other the wealthier Sees of the Kingdom.

And this, I suppose, may be sufficient against whatever may be alledged against the first rule.

Obj. Against the second rule it may be urged 1. That many Rectors, Prebendaries and Canons of the inferiour Clergy, have no other subsistence by the Church but what they hold as a *sine cure*, in right of their Cathedral Dignity, and therefore a consolidation of the several members of their Dignity, with their respective Vicarages, would leave them utterly destitute.

Sol. To this I answer 1. It is much better for them, I suppose, even in their opinion, to be destitute, than criminal in so high a degree. 2. If the law should indulge them so far

far (if they think fit to persist in the practice after what hath been said), as to order this consolidation to commence, from the death or promotion of the present Dignitary, that objection would be removed, and that corrupt practice utterly extinguished; at farthest in the next generation.

Obj. The Rector, Prebendary, &c. are by common right, the Patrons of their respective Vicarages, and therefore they may endow them as they think fit and enjoy their own portion without Sacrilege.

Sol. I answer 1. A Lay Patron cannot make any such advantage of his right of Patronage, as to defalk a portion of the tithes from his Clerk, for his own use, and much less ought an Ecclesiastical Patron to do so. But 2. This right of Patronage claimed by Rectors, Prebendaries, &c. is really an infringement of or rather an usurpation upon the Bishops and Lay Patrons right, for only such had the right of Patronage originally; and as therefore they could make no such advantage of their powers in this affair, so neither can the Rector, Prebendary, &c. who succeed in their right.

I shall conclude this part with a few words, out of two learned and affectionate advocates for the Church's interests; those are Sir *Henry Spelman* in his famed treatise, *De non temerandis Ecclesiis*, and Dr. *Reeves* in his *Poor Vicar's Plea for Tythes*. Sir Henry, when

when he introduceth the Lay Impropiator, defending himself by the example of Colleges, Deans, Chapters, Bishops, &c. page 92. makes a solemn protestation, *that he hath no heart to make an apology for such practices, and wisheth that every man might drink the water of his own well, and eat the milk of his own flock*; and though he afterwards sets himself to excuse them, yet he doth it in so cold a manner, that it only sheweth, the odiousness of that cause which so affectionate and learned a man, could or would say so little in defence of.

Dr. Reeves in the above treatise, calls this practice of annexing Prebends in the Cathedrals, to Parishes in the Country, *a cut throat course, devised for the destruction of Parish Churches*. If those Dignitaries must be still continued, let them have their proper maintenance, which are not tithes, poundage, &c. for those properly belong to the particular Ministers of Parish Churches. And Dr. Reeves there extols King James I. for bestowing a considerable quantity of land, on the Cathedrals of the North, and taking from them those Parishes that had been annexed to their Dignities.

But before I quit that treatise, I cannot but observe that he therein most clearly proves, a legal power still resident in Bishops, to constitute a Vicar in impropriate Parsonages, and to allow him a sufficient maintenance: this, I say,

I say, he clearly proves, Bishops can do by our present laws; and then doth not their gross negligence in the exercise of this power, (there being so many melancholy occasions for exerting it) demonstrate a criminal disregard, to the interests of the inferiour Clergy? But of this before.

I have now gone through such objections as I could foresee might be urged against the first and second regulations; I now come to those which might be raised against the third, which was to this purpose.

That the duties, at present incumbent on the Clergy of Cathedrals may not be omitted, that Bishops should take on themselves, and personally discharge the preaching, prayer and other Parochial duties of their Cathedrals, and the Parishes thereto belonging.

This regulation will probably appear severe to those that consider Episcopacy, rather as a name of dignity and grandeur, than as an office of great labour and employment, which it certainly was at first; and therefore this rule, *which looks so sour to persons transported with false notions of things, is but antiqua novitas, an ancient and commendable custom that ought to be revived.*

Clemens Romanus tells us, that the Apostles preaching through Cities or Regions constituted their first fruits Bishops or Deacons; and we may well believe, they were immediately deputed to proselite others, and perform
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all the parts of the Christian Ministry to them: and *Epiphanius* saith, "that at the beginning of the Apostles preaching, when there were none worthy to be ordained Bishops, the place remained (without any; but when need required, and there were them that were fit for it, Bishops were constituted, and whilst they was no great multitude of Christians, they were content with a Bishop and Deacons."

Now certainly in the interval, till Converts grew numerous, and persons were gained that were qualified, and sufficiently instructed in the duty of Presbyters, the Bishop must personally discharge all the sacred duties of the Ministry to his flock; nor is it likely he should on the ordination of Presbyters, immediately intermit his diligence, and abdicate the performance of them, to such as were accustomed to receive them from him: no, this idleness of Bishops stole in upon the Church, by insensible steps; and they needed much time, and a great deal of art, and many plausible pretences, handsomely to disengage themselves from the work of the Ministry; and lay those burdens on the shoulders of the Presbyters of the Church, that they now do, though they themselves touch them not with one of their fingers.

To those that allow *Dr. Hammond's* singular notion, viz. that the order of Presbyters, as they now are called, was instituted af-

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ter, the Scripture times shut up, the point is evident of it self, the very notion is *Argumentum ad hominem*, for the primitiveness of what I have advanced, viz. that Bishops did to their flocks discharge at first all the Parochial duties of the Ministry; but as I believe the notion altogether groundless, and that the order of Presbyters, doth as truly succeed in the place of the seventy Disciples, as that of Bishops doth succeed in the place of the Apostles; so that both orders have one common Institutor, viz. Jesus Christ, I shall not endeavour to draw any advantage from it. What I have said before, being, I think, sufficient to prove the point in debate.

Obj. But here I shall be told, the personal discharge of those Parochial duties is inconsistent with the Pastoral care of their whole Diocese, that now lieth upon them.

Sol. I answer, our Bishops, it's true, affirm themselves to be Pastors, and indeed the sole Pastors of the whole Diocese, and that the inferiour Clergy are only as assisting Curates deputed by them, according to their discretion in the several parts of their Dioceses, the better to enable them to discharge their Pastoral duty to their whole flock; so that they treat the inferiour Clergy, much as the Pope doth them, *i. e.* they would have the world believe that they have assumed them, *i. e.* the inferiour Clergy, *in partem sollicitudinis, non in plenitudinem, imo nec in partem, potestatis Pa-*

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storalis; and accordingly we find, they have taken care from time to time to lay a sufficient load on the shoulders of the inferior Clergy; though, at the same time, they have ravished from them a great deal of that power, that would have been most ornamental, and assisting to the better discharge of their duty to their flock.

But never sure were sanctified pretences and unsanctified performances more unhappily coupled than in that arrogant and unjust claim of Bishops; if they are indeed the Pastors of their whole Diocese, I fear they will be found such as *Ezekiel* describes Chap. xxxiv. Ver. 2, 3, 4. that is, *such as feed themselves, eat the fat, cloath themselves with the wool, kill them that are fed, but feed not the flock; such as have not strengthened the diseased, nor healed those that were sick; that have not bound up that which was broken, brought again that which was driven away, nor sought that which was lost, but such as have ruled them with force and cruelty*; whoever now compares this account of the negligent Shepherd, with the conduct of our Bishops, as to the Pastoral care of their whole Diocese, will be apt to think there is too much of parallel and resemblance between them; and that therefore they have reason to fear, what God there threatens by his Prophet in Ver. 10. *that he is against such Shepherds, that he will require his flock at their hands, that he will*
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cause them to cease from feeding his flock, neither shall those Shepherds feed themselves any more.

Now if we turn from the Prophets to Christ and his Apostles, we shall not find the Pastors labours any whit lessened under the Gospel; our Saviour tells us, *the good Shepherd knoweth his sheep, and is known of them; he calleth them by their names, and leadeth them out to pasture;* in which words are implied, the assiduous care, constant residence, and personal instructions of the Clergy, to those whose Pastors they are; and I am sorry our Bishops cannot even pretend to this, especially with respect to their whole Diocese.

St. Paul chargeth the Bishops met at Ephesus, to take heed to the flock, over which the Holy Ghost had made them overseers, and to feed the Church of God: he declares, he had not ceased to warn every one of them with tears, both night and day; and that he had taught them, both publickly and from house to house. In his second Epistle to Timothy, he chargeth him to preach the Word, to be instant in season and out of season; to reprove, rebuke, exhort, with all long suffering and doctrine. St. Peter likewise exhorts the elders of the Church and Pastors, to feed the flock of God that is among them.

I have here selected some texts, out of the Old and New Testament, wherein the principal parts of the Pastoral care are laid down;

and seeing our Bishops will needs be thought Pastors to their whole Diocese; they ought to consider how much they discharge of this to the flock thereof; or rather how grossly they neglect every particular of it, and indeed to the whole Diocese. Do they know the Sheep of the flock? or are they known of them? Do they lead them out to pasture? or are they so intimately acquainted with them, that they can call them by their names? Can they with any propriety of speech, be said to feed the flock, and Church of God? Do they exhort, reprove and rebuke them? Are they instant with them in season and out of season, to turn to the Lord? If not, *let them restore the title of Pastors to the Parochial Clergy, from whom they must be thought, by their present negligence, to have usurped it; let them resign those honours and give up those ample endowments they have so long enjoyed, under the pretext of their Pastoral labours in the Church: but if this be of too hard a digestion, let them at length betake themselves to the real discharge of the Pastoral duty; let their Cathedral and the Parochial duties belonging to it, be their particular care; and let them by a superiour degree of personal diligence in the Ministry, deserve that wealth and honour they now possess.*

Obj. But perhaps I shall be told, our Bishops send out such, as perform all those Pastoral duties to their whole Diocese, and therefore

fore they may be truly said to be the Pastors thereof;

Sol. I answer, such a *Catachresis* of the word is too bold, to impose upon any, unless they be very willing to be flattered; it is usual indeed thus to compliment Princes, and to ascribe the whole actions of a *Campania*, or season to them, though perhaps they were not personally concerned in any of them; and it's not unlikely that our Bishops, who have long ago assumed to be *Principes populi, Ecclesiae, & Sacerdotum*, would be glad the world would flatter their sloth and negligence in the same strain; but they would do well to consider, that all this is but bare compliment; and though there may sometimes an innocent and good use be made of it, *viz.* to render a good Prince, more August and venerable in the eyes of his subjects; yet still *the propriety of the action, the reward or punishment, the credit or disgrace thereof, do belong to the personal performance of it*: and therefore Bishops cannot, without great injustice, and impropriety of speech, assume the title, credit and reward of faithful Pastors to their whole Diocese, since they do not personally perform the Pastoral duties that are necessary thereto.

Nay, if there were any force in this their way of arguing, they would sometimes have no great reason to boast of their gains; since they would be in as great a likelihood to be Damned for the negligence of some Clergy-

men, as to be saved by the Care and Diligence of others; if the reward and punishment of Clergymens Pastoral performances were to be transferred to Bishops.

Obj. But it may be said, that Bishops enforce the Clergy to the performance of those Pastoral duties, and therefore they may be truly styled the Pastors of their whole Diocese.

Sol. I answer, whoever considers the impotence of our laws in the correction of a delinquent Clergyman, will easily believe, that the remarkable zeal, and diligence of the inferior Clergy, in the discharge of their duty, doth arise from a more noble principle than the fear of the Bishop's power, viz. they are conscious the Holy Ghost hath made them overseers (for the words are as truly applicable to them, in a limited sense, as to the Bishops) of the flock; and that they must hereafter render a strict account of their behaviour to the great Shepherd and Bishop of souls.

Obj. If it be said (as it hath been by some, that would be glad to build up the Episcopal power (which they either possess or have already grasped in imagination, and would therefore improve and enlarge, as far as they could) though on the most sandy and false foundation) that Bishops act by an absolute and inherent power, but Presbyters by a borrowed and delegated authority, so that they are dependent on the Bishop in the exercise even of those

those powers they seem possessed of, and therefore the Bishop, is the true and proper Pastor of the whole Diocese, since all the Pastoral power is properly and radically vested in him.

Sol. I answer, all this is *gratis dictum*; and the effects of the most servile flattery; Presbyters are no more dependent by the law of God on Bishops, in the administration of the Sacraments, the authoritative preaching of God's word, the comfortable imparting of absolution to the truly penitent, and other duties and powers of the Ministry belonging to them, than Bishops are dependent on those that ordained or consecrated them, in the exercise of the powers that belong to their order; they do both of them indeed derive their authorities from or rather by those Bishops that ordained them, but are properly the delegates of Christ alone; though the one hath a larger, and the other a more contracted commission: as it is a known saying, that there is but one Episcopate, *cujus a singulis in solidum pars tenetur*, so it is as true, that there is but one Presbyterate, *cujus, likewise, a singulis in solidum pars tenetur*. Sacred authority is committed to them in the same words, *Receive thou the Holy Ghost, for the office or work of a Bishop, or Priest, in the Church of God, committed to thee by the imposition of hands*. So that they both act by the same divine authority; and are therefore each of them independent on the

other, in the exercise of their several offices, *so far as concerns the law of God.*

I grant indeed, that seeing the laws of the land, have given to Bishops the Pastoral care of such a district, and they have accordingly taken it on them, *how ill soever they discharge it*; whoever performs any Pastoral duty within that district, may be said to be dependent on, or rather, to act by consent of the particular Bishop of that district; but this is only the effect of an human constitution; and no more argues a deficiency in a Presbyter's spiritual power, than the Bishop's being under a necessity to have the permission of the laws of the land, to exercise his function in such a district, argueth a deficiency in his sacred authority; and besides, if one Bishop acts in the district of another, he is as much dependent on that Bishop as a Presbyter, and must have his consent to act.

Before I quit this subject of Pastoral care, I cannot but observe, *that our Bishops have by this arrogant claim, approach'd much too near to the most pernicious error of Popery*; for I look on the Pope's claim of a Pastoral care of the whole Church to be the foundation (and therefore the most pernicious) of all the errors of Popery; *so that a Protestant Bishop, bloated with these vain pretences, seems to me, nothing but a Pope in miniature.*

But besides, by making this claim, they deprive themselves of the best Argument against
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the like claim in the Pope, over the whole Christian Church; viz. the impossibility of discharging the Pastoral duty to so large a district, to any good purpose; for may not the Pope say, *As Bishops may discharge the Pastoral duty to a whole large Diocese, by the substitution of a multitude of Presbyters, though personally, they neither strengthen the diseased of the flock, nor heal the sick; though they neither bind up that which was broken, nor seek that which was lost; though they neither lead them out to Pasture, nor are able to call them by their names; so the Pope may do all this, to the whole Christian Church, (were it much larger than it is) by the substitution of a greater multitude of Bishops and Presbyters, who act by an authority delegated from him; though he himself performs not a tittle of it: this is what he may urge very plausibly; and we may thank our Bishops sloth and usurpation, that have furnish'd so many precedents to support so bad a cause.*

I think nothing more needs be said against this claim of Bishops, of a Pastoral care of their whole Diocese, since nothing can be said for it, but what hath been sufficiently answered already; however it will not be amiss, because it is a claim our Bishops are very unwilling to give up, to enter into a detail of this affair: and when we have consider'd the several parts of this Pastoral care, they talk so much of, together with the many Assistants they have in
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the discharge of it; we shall find there is nothing in it so very cumbersome; but that the whole may be very consistent with the Bishop's constant discharge of the Parochial duties of his Cathedral, and the Parish thereto belonging; and therefore, this pretext of Pastoral care, can be no sufficient reason against a Bishop's undertaking them, which gave the rise to this present debate.

To proceed then, the several parts of this Pastoral care, as our Bishops do state and determine it, are First, The ordination of fitting persons for the Ministry. Secondly, The promotion of others on the decease or removal of any of the Clergy. Thirdly, The confirmation of the youth of the Diocese. Fourthly, The annual Visitation of the Clergy of the Diocese; and Fifthly, Their Presidencies in their courts, for the reformation of such as are criminous in their Diocese, whether Clergy or Laity.

These are I think, the several Ingredients of the Episcopal care, and I must own it hath often made me smile, to find learned Authors talk, with gravity and seriousness, of the great labour and burden of Episcopacy, when I considered, after what manner our modern Bishops discharge them; people unacquainted with their conduct might fancy from thence, that they were the *Atlas*es, upon whose only shoulders the whole burden of the affairs of the Church was supported; and that all the labours of the

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Ministry through their whole Diocese were personally discharged by them: now if the case were really so, all good men would certainly pity them; for *who can be sufficient for these things*, through a whole, and perhaps a very large Diocese?

But when we consider our Bishops great prudence and precaution in this matter; and the many assistants they have procured to themselves, we may be in good hopes that they will not faint under the burden they sustain.

I shall say nothing of the Parochial labours of the Ministry which our Bishops do not even pretend to put an hand to; but as to those five particulars above mentioned, that they more peculiarly claim as their province, they are not without able hands, and much assistance in every one of them.

As to ordination, whatever trouble or difficulty there is in that, is in the previous examination of the Candidates; and that by Custom and Canon, is almost wholly thrown on the Archdeacon and the assisting Clergy; so that here the Bishop hath little more to do, than barely to perform the ceremony; as for an inquiry into the character of the Candidate, that is sufficiently superseded, by the powerful authority of some favourite or great man's letter, or by a College *testimonium*; and I have known two Bishops of this Kingdom, so free of their labours of this kind, that I am confident, they have ordain'd more in six months, than the whole

whole National Church, could make a decent provision for in six years; so that we may believe, that if our Bishops would keep strictly to the Canon, and only ordain such as there was a decent provision for actually vacant in their own Diocese; the business of ordination, would not lie so heavy on their hands, as much to interfere with the constant discharge, of the Parochial duties of their Cathedral and the Parish thereto belonging.

But 2^{dly}, As to the promotion of others, on the decease of any of the Clergy; it might indeed be a business of some difficulty, nicely to ballance the merits of the Clergy of a Diocese; to consider their learning, their piety, their standing and labours in the Ministry; and so to determine upon the whole, that it might be evident to the world, that as *St. Paul* most solemnly chargeth *Timothy*, they had done nothing by partiality, in preferring one before another, 1 *Tim. v. 21*. These things, I say, might occasion some anxious thoughts to our Bishops, were not most of them furnished with *Coadjutrices*, (wholly unknown to Antiquity) that compassionately ease them, even of the labour of thinking on this great affair; and indeed, those female officers, are so dexterous and ready at this employment, that with the help of a small committee of the same sex, they shall, over a tea table, provide successors, to more Benefices than Providence is willing to vacate in many years; so that it is well known,

known, the Bishops labour in this particular, is intirely over, in most Dioceses in the Kingdom, many years before death hath put his hand to the work.

And sure you will not be so rude, as to question whether such competent Judges of the merits of the Clergy, have an impartial regard thereto, in all their advice and distributions: so that this part of the Pastoral care of Bishops notwithstanding, they may very well discharge the Parochial duties of their Cathedral and the Parish thereto belonging.

Besides, if the fifth regulation under the first head should obtain, it would very much ease their Lordships of their anxiety and trouble, in filling the vacant Benefices of their several Dioceses: which therefore I hope they, out of pure self love and a just regard to their own quiet, will heartily promote.

But 3^{dly}, As to confirmation, whatever there is of trouble or difficulty in this, is likewise in the previous examination of those to be confirm'd, and this is intirely thrown upon the Parochial Minister, so that there remains no more to the Bishop in this, than the bare performance of the ceremony; and as some prudent Bishops manage it, who are unwilling to lose time, they may discharge their whole Canonical labours of this kind for three years in so many days, in many Dioceses.

But 4^{thly}, As to the Annual Visitations of the Clergy, there needs not much be said of them;

them; since it is evident, there is as little trouble to the Bishop, as there is of benefit and advantage to the Church by them; if they are a trouble to any, they must be so, to the inferior Clergy; to whom they are properly, *E-munctio crumenarum, a base and sordid artifice to fleece the Clergy, but are not of the least import to religion.*

5^{thly}. Therefore, as to their presidency in their Courts, for the correction of such as are criminous in their Diocese, whether Clergy or Laymen.

This is an ample province our Bishops have chosen, both for labour and honour; but when we consider, how little they bestow of the one in discharge of it, there is no reason they should reap much of the other on account of it; the whole burden of the Bishop's Pastoral care in this particular, is thrown upon a Vicar general or a Lay Chancellor: and it's highly probable, that our Bishops removing this burden from their own shoulders; and delegating their jurisdiction, often to mere Laymen, is a principal cause of the neglect of Church discipline, and of the general contempt of all Ecclesiastical authority: and besides, I have been told, that such an authority in a Layman, is in the Kingdom of Ireland, directly against Law, and that therefore all proceedings before such, are *coram non iudice*. And I must own so far as I could discern by perusing the several Statutes made on that Subject,

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ject, the opinion seems to be not ill grounded; especially as they are there constituted: but I submit this to their further enquiry, whose interest it may be to have the point settled.

Our Bishops make a great noise about the power of the Keys, and would willingly appropriate them to their own order; they think them too sacred to be handled by a Presbyter of the Church; and yet they shall leave them constantly in the hands of a Lay Chancellour or Vicar General, whose greatest care shall be to fill their own, and a few other hungry officers pockets, by the use of them: when therefore they seem to be turned in those mens hands, rather through avarice, than a sincere desire of reformation; it is no wonder if discipline languisheth, and the whole Ecclesiastical authority be despised, as an holy artifice or juggle, contriv'd rather to empty mens pockets of their money, than to purge their consciences of sin and wickedness.

And therefore unless our Bishops will be content to preside in their own Courts, and endeavour to make themselves masters of the business there; I should think it much better they were dissolved, than to remain as they do at present, a burlesque and ridicule to religion; since most of all the affairs there transacted, might be carried on in the courts of common law, with more expedition, less expence, and at least with equal skill of the law and justice. Tho' indeed, if an alteration is to be

be made in the management of our Bishops Courts; I conceive it ought not to be by a better regulation of the Canon law there; which rather deserves an entire abolition, than so much countenance and regard, as a regulation would seem to infer; but the alteration ought to be by a return to the primitive government of the Church; in which the Bishops and Presbyters did, *communi consilio*, manage all the affairs of the Diocese relating to the government and discipline of the Church: of which Dr. *Bret* hath given a good and useful account in his treatise of Church Government.

But by what has been said, it appears that our Bishops have procured to themselves, such able assistants in every branch of their pretended Pastoral care, that their share of the trouble thereof notwithstanding, they might very well undertake to discharge the Parochial duties of their Cathedral, and the Parish thereto belonging.

Obj. If it be said, that Bishops are of an advanced age when they are raised to that Dignity; that they are worn out in the work of the Ministry; and are therefore unable longer to continue the Parochial labours thereof.

Sol. I answer, 1. The office of a Bishop, is always described to be a work of great labour and diligence; for he is to *feed the flock over which the Holy Ghost hath made him overseer*; he is to be *instant with them, in season and out of season*; he is to *exhort, reprove and re-*
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buke them, with all long suffering and doctrine; he is to watch over them, as he that must give an account for their souls; he is as a wise master builder, not only to lay the foundation, but must also endeavour to build up his people in their holy faith: All this, which is but a part of the Episcopal duty, requires great labour of body and vigour of mind; and therefore such spiritual invalids, as the objection represents our Bishops to be, are the most improper persons in the world to undertake the office of a Bishop. But 2^{dly}, The objection alledgeth our Bishops incapable of performing Parochial duties, because they are already worn out with the same; but this is mostly false, since the greatest part of them have been rais'd to that dignity from a College stall, or a great man's table; and are so far from being worn out with those performances, that they have hardly ever had the least acquaintance with them; and it may be observed, that such Bishops as have never experienced the great fatigue of a constant Ministry, are the most imperious, partial, and unjust to the Clergy of their Diocese; the most unrelenting and regardless of their labours.

But 3^{dly}, If there be any thing of truth in the objection, why do not our Bishops recur to the remedy the primitive Church made use of on the like occasions; *viz.* to claim Coadjutors of their own Dignity, *i. e.* of the Episcopal order; and not delegate the Parochial

duties of their Cathedral to Deans and Chapters? who being bodies of perpetual duration, are therefore bars against their successors discharging those duties, though they were both able and willing to discharge the same?

And really the gross partialities frequently practised by women and others about aged Bishops, when they come to any infirmities of mind, are a very good reason for applying frequently to the *Crown*, as necessity requires, to appoint *Coadjutors*.

And it sufficiently appears from the learned and Right Rev. the Lord Bishop of *London*, in his *Codex Juris Ecclesiastici*, under the title *Coadjutors*; and from the Statute for resuming usurped jurisdiction from the Pope, that the *Crown* hath a power to appoint such.

As to their attendance in Parliament, it ought no more to be a perpetual exemption to them from such duties as are essential to the Christian Ministry, than the like attendance in Convocation is to inferior Clergymen. Besides, the conduct of many Bishops in Parliament hath appear'd so strange in this Kingdom of late years, that very many true friends to the Ecclesiastical constitution, begin to think the presence of Bishops in Parliament, to be of no great importance, either to the welfare or security of the Established Church. And I can truly say, there is hardly any law that hath pass'd of late years, to the prejudice of the inferior Clergy, that hath

bath not had the concurrence at least, of some of our Bishops; and most commonly such laws take their rise from some of that order; nay, for the last twelve years, there hath pass'd but one Session of Parliament in which our Bishops have not made some attempt or other upon their rights by the bills they have brought into the house; so that many of us have been forc'd to a constant attendance during the Session, purely to obviate the invasions intended by that order against us; nor have our endeavours been unprofitable to our absent brethren; for notwithstanding their constant attempts every Session but that, yet they have in that time gain'd but one point upon us: *but their ready and forward inclination to trample on our rights, hath, I am persuaded, encouraged some late unkind attempts from another quarter, from whence we have, upon many former occasions, experienced favour and protection against the invasions of our Bishops.* But the many attempts that have of late been made on us and our rights, have establish'd as a maxim with us, what Archbishop Tillotson with a little variation saith of Sermons, "It's a good Session doth us no hurt."

But I am unwilling longer to expose this melancholy scene to publick view; however, we may from what hath been said conclude, that Bishops care of Church affairs in Parliament ought not to be alledged as an excuse for their perpetual neglect of those duties that are

indispensably incumbent on them, as they are members of the Christian Ministry.

And this might be sufficient to vindicate the third regulation, which was to this purpose, that Bishops should take on themselves and personally discharge the preaching, prayer, administration of the Sacraments, and other Parochial duties of their Cathedrals and the Parishes thereto belonging.

But before I quit this head, it will not be amiss to repeat here what I said before, *viz. That Bishops were so much obliged to supply the pulpit in their own, i. e. in their Cathedral Church, (and therefore very probably, to perform personally all other Parochial duties belonging to it, and which will farther appear from some passages in Ignatius's Epistles) that no Presbyter was suffered in the Western Church to preach in the presence of the Bishop; and Valerius, who first broke through this rule in the African Church (by suffering St. Austin whilst a Presbyter to preach before him) was severely censured by the other Bishops for this innovation: As was said before.*

How Bishops that were for some ages so strictly oblig'd personally to instruct a particular flock, and probably to perform all other ministerial duties to it, came to disengage themselves; doth not fully and clearly appear; but it's probable, this was not done in all Churches at the same time, nor under the same pretences: It is both active and fruitful in contriving expedients for its own ease; and therefore, when

when that zeal in all the labours of the Christian Ministry, which was so remarkable in the primitive Bishops began to cool; it was easy to find many colourable pretences, to excuse their neglects; but that method in which they most universally concurred to ease themselves, was by delegating the several labours of their function, to their Archeacons and Archpresbyters, much the same with the Deans of our Cathedrals; *and they are the two Officers that of all others have brought the greatest prejudice and discredit on Episcopacy; and have crippled it in all those useful powers, whereby the primitive Bishops most eminently distinguish'd themselves to the world.*

The two principal branches of the primitive Bishop's care, were the Parochial labours of his Cathedral, and the visiting Parochially, as it may be call'd, the Clergy and other members of his Diocese in the Country; now the Dean hath turned him out of the Cathedral, as to all useful purposes; and the Archdeacon (who was therefore phantastically called *cor, oculus, &c. Episcopi*) hath eas'd him of, *i. e.* hath for the most part depriv'd him of the opportunity, of serving the Church by his rural labours: so that Bishops thus deplumed, may be look'd on as a sort of reform'd officers; and if we consider them with respect to their predecessors scandalous leases, they may properly enough be said to be on half pay.

So that this regulation doth but restore E-

piscopacy to its primitive usefulness to religion, and oblige Bishops to lay aside those Crutches, on which they have so long and so ingloriously lean'd, in the discharge of all the labours of their function.

And therefore, if our Bishops had a due regard to the dignity of their order, they would readily concur in a regulation to exterminate out of the Church those two officers, *viz.* Deans, and Archdeacons, that have for so many ages loaded Episcopacy with reproach and censure.

And thus I have gone through the first instance of the Sacrilege of our *Irish* Bishops; and have endeavoured to make out to all impartial readers, the truth of the proposition in hand; *viz.* that our *Irish* Bishops are generally, if not universally guilty of Sacrilege, by reserving to themselves several Parishes (with all the advantages of Tithe, Glebe, &c. belonging to them) in each of their Dioceses, without conscientiously endeavouring to discharge the Parochial duties of any of them.

I therefore now proceed to a second instance of their Sacrilege, *viz.* their defrauding their successors of half the yearly value of the lands belonging to their several Sees, by leasing them out at half value, either to strangers for a fine, or to their children, relations and dependents, without one.

And here I shall lay down a definition of Sacrilege, which might, I think, have been more methodically prefix'd to the last head,

viz.

viz. that it is the alienation of those things, that have been dedicated to God, either as necessary to his worship and service, or for a support to those that perform it, or for the relief of the poor, or for any other good purposes of religion, to profane and common uses; or more briefly as *Clement Spelman* hath it in his excellent Preface to that fam'd treatise of his father's, that I just now mentioned.

It is the diversion of Holy and Ecclesiastical things to profane and secular uses. It is plain, either of these definitions compriseth the lands and other endowments of the Ministers of the Church, as well as the utensils of divine service; and therefore to alienate them from the support of the Ministry, is as truly Sacrilege, as to embezzle, or make away with the Communion plate, or ornaments and utensils of divine service: nay, seeing the withdrawing the support of the Ministry, must have a more pernicious influence on religion, than the embezzling the ornaments or utensils of divine service, (which might be either easier wanted or supplied elsewhere) I should think, the alienating those endowments the more heinous Sacrilege; I shall therefore now only

1st prove that our *Irish* Bishops, by leasing out the lands of their several Sees at half value, for twenty one years, either to strangers for a fine, or to their children, relations and dependents, without one, do in effect, alienate half the lands of their Sees from their Succes-

fors, for so long a time as remains of the lease at his accession to the See, and therefore are guilty of Sacrilege. 2^{dly}, I shall consider what they and their partizans urge in defence of this practice.

As to the 1st, that our *Irish* Bishops do generally, if not universally, lease out their lands at half value, is plain matter of fact, the practice is so general, that I fear there are few or none in the Kingdom (except those, who are so lately come to their Sees, that no overtures of that nature have yet been made them) but are guilty thereof.

I have indeed heard, that the late Bishop of *Waterford*, Dr. *Fog*; and the late Bishop of *Raphoe*, Dr. *Pooley*, refused to grant any such leases; but their more prudent successors have considered better of it; and now all such scruples seem to be worn out of the minds of those of that order; taking it therefore for granted, that the practice is at least general, I am now only to prove, that it doth in effect alienate half the lands of their Sees, from their successors; and sure there will need no laborious proof of this, when we consider, that land is not coveted or desired for it's own sake only, but for its value or the wealth arising out of it; and therefore, he that alienates any proportion of the value, or wealth arising out of land, doth in effect alienate the same proportion of the land; seeing he alienates the like proportion of that which makes land coveted

coveted or desired; a parent that sets off his estate at a pepper-corn rent, leaves his heir as poor as if he had bequeathed him a title only to a pepper-corn yearly; and so our Bishops, if they do by their leases bar their successors from half the yearly value of their land, they do in effect take away half their land from them for so long a time as the leases run.

Suppose two Bishops were possessed, in right of their Sees, of a thousand acres of land each; and each acre worth a pound *per annum*; the one sells off, by the permission of the law, five hundred acres of the land from his successor; I suppose our Bishops will not deny, but that he is guilty of Sacrilege, notwithstanding the permission of the law; the other therefore doth not sell any of the land, but sets the whole (likewise by the permission of the law) at five hundred pounds yearly rent, and receiveth a fine, equivalent to the abated rent, is not he as injurious to his successor as the first? and consequently is not his practice (which yet is the very case of our Bishops) equally Sacrilegious? But I am weary of proving, or rather illustrating a point, that seems to me as clear as any first principle.

Obj. If it be said, that Bishops do not alienate the whole, but only one half of the value, and that only for twenty one years.

Sal. I answer, 1st, I fear the succeeding Bishops may, for that favour, thank the care and

and caution of the laws, that permit no leases at less than half value, nor for the longer time than twenty one years, and not their predecessors courtesy and good nature. But 2^{dly}, If the laws can justly impower Bishops to alienate, or convert to their own private use one of the two parts, *i. e.* half of their successors land, they can justly impower them to alienate $\frac{1}{2}$ or $\frac{1}{4}$ or $\frac{1}{8}$ and so on, till what is left be reduced to nothing; and if they can do this for twenty one years, they may do it for 2100, or 21000, and so on for ever.

Obj. But according to the present laws, a sufficient support is reserved for the successor.

Sol. I answer 1^a, We are not now to consider what the laws as yet have done, but what they justly may do if they can justly go as far as they have gone, according to our Bishops interpreting, or rather wresting and perverting them, as will presently appear, there may be hereafter reasons offered to persuade them to go a great deal farther; but 2^{dly}, it will be very hard to determine what is a sufficient support; if we are to proportion their support to their labours in the Ministry, and their usefulness and significancy in the Church; there are many will think, that a small matter might do very well; seeing the poorest Curate in the Nation doth more truly answer the ends for which the Christian Ministry was

was ordained; and a greater measure of spiritual good is derived to the Church from his labours, than from the most eminent Bishops in the Kingdom; if we are to consider the pomp and grandeur that some of them affect, there will then be but few of them will have enough; but if we are seriously to consider the great things that are expected from their order, their necessary provision for their families, their hospitality to the rich, and their great charity, in all its branches, to the poor; it is certain, that the whole income of the wealthiest Sees, if honestly, and in due proportion, applied to those several purposes, is not too much.

When therefore half their income is cut off by those scandalous leases of their predecessors; it is certain, some of those articles of expence must be disregarded; and frequent experience convinceth us, it is the last that is most usually neglected; the grandeur and magnificence of the order must be held up by an hospitable and splendid table; and to be sure, the family shall not be forgot; and therefore the poor shall be either wholly unminded, or so sparingly supplied, that it may be a scandal to mention it.

I will not say that this is an universal and just character of our *Irish* Bishops; no, the late excellent primate Dr. *Narcissus Marsh* and Bishop *Fog* are standing arguments to the contrary; their preference of the publick good to
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the grandeur of their families; and the many noble foundations they have made to encourage learning and promote piety are at once an ornament to their order, and an eternal advantage to themselves.

But it is enough to my present purpose, that such instances of munificence and charity are rarely found amongst our Protestant Bishops; and I am unwilling to assign a worse reason for their remissness in those particulars, than their inability; they are so cramped in their income, by those scandalous leases of their predecessors, that they cannot exert themselves, according to their native benignity.

Obj. It may be said, that future Bishops having power to set their successors lands likewise at half value, they are thereby sufficiently reimbursed, and so have no reason to complain of the prejudice they sustained by their predecessors leases.

Sol. I answer 1st, The grand foundation of justice is not this, *Do as thou hast been done by*; but this, *Do as thou wouldest be done by*: our Saviour doth not say, *whatsoever things men do unto you do ye even so to them*; but, *whatsoever things ye would that men should do unto you, do ye even so unto them*; and therefore a Bishop, who is prejudiced by his predecessor's lease, can no more, for that reason, injure his successor in the like manner, than a man, who hath been cheated with a piece of brass money, can with a good conscience cheat another,

another, when he knoweth the fraud; so that an honest and conscientious Bishop can have no hopes of reimbursing himself that way. But 2^{dly}, Were he inclined, to do so, it might not perhaps be in his power, for, I think, the usual policy in this case, is to renew at every seven years end: Suppose then, that a Bishop, soon after he hath made one of those leases, is removed either by death or promotion; and that his successor is likewise removed in six or seven years after; it is plain he hath lost half the value of his land for so many years, without any possibility of compensation; and this injustice may be continued on him, to the end of the lease, unless the *lessee* can bring him to his own terms.

Obj. But Bishops take care to raise the acrely rent every time they make or renew a lease, so that they always improve the revenue of their successor.

Sol. It is to be feared, that the great care and industry of Bishops, to raise the acrely rent every renewal, is designed rather to the advantage of their immediate *lessee*, than of their successor; for if Bishops should set lands worth ten shillings the acre yearly, for two shillings; the *lessee*, if he were inclined to set again, could not without apparent hazard to his lease, set for more than four, and so would gain but two shillings *per* acre clear, (and as for breaking such a lease, it is found to be very difficult to do it, at least by the verdict of a jury,

jury, how cheap soever it be set) but if they set those lands for five shillings, the *lessee* may set for ten, and so would gain five; and it is too probable, that it is this greater advantage of the immediate *lessee*, that makes them sometimes skrew their lands so high.

Having now removed those slighter objections that might be laid in the way, in favour of our Bishops, against the position I have advanced, I come now 2^{dly}, To consider what may be said in defence of their practice, with greater appearance of strength, and that is,

The laws of the land are to regulate every man's property, and to determine the share he hath in what he possesseth; since therefore, the laws have given them that proportion of their successor's income, they think they may enjoy it without the guilt of Sacrilege.

This is the last and strongest retrenchment of our Bishops practice; and therefore, if it be once demolished, they will be left wholly destitute of shelter and defence in this particular; in order to which I shall endeavour to prove, 1st, that the laws did not intend to give Bishops any such right or power over their successors lands; and 2^{dly}, that the laws could not give them any such right or power.

1st, I shall endeavour to prove, that the laws did not intend to give them any such right or power over their successors lands, as they now claim and exercise; the law that they refer to is,

is, I suppose, the Statute of the tenth and eleventh of *Charles I.* chap. 3. Now the intention of this law may be known, 1st, by considering other Statutes that relate to the like subject; 2^{dly}, by comparing the several parts of this, one with another; and 3^{dly}, by considering the tenour and nature of this whole Statute.

1st, There are several of our *Irish* Statutes that relate to the like subject, but they all it's plain do intend the utmost improved rent that could be made of the lands of the Church, the circumstances of the time of setting being duly considered; so that we may from their great care in this matter, presume very strongly, that the Statute under debate intended the same; and was not so profuse as to give Bishops a power to set the lands of their Sees at half that yearly value, which they knew a thousand tenants would give for it.

The first of these to be met with among our *Irish* Statutes is the thirteenth of *Elizabeth* chap. 6. by which *Thomas* the then Archbishop of *Ardmagh*, and his successors, for twelve years from the end of the then Parliament, are impowered to set leases of such lands of that See as were within the *Irish* pale, for the term of one hundred years, at the yearly rent of four pence *per acre*: but then it is to be observed, from the preamble of the Act, that those lands lying within the *Irish* pale, for many years had yielded nothing

thing to the Protestant or *English* Archbishop; nor could it be expected that they would till they were planted with Protestant Tenants; but this could not be done, but by alluring them to settle there, by long leases, and at a low rent: and this Statute limiting the Archbishops power to twelve years from the end of the then Parliament, doth plainly shew, that it was not the private advantage of any Archbishop; but the benefit of succession, that was mainly intended by that Act; for it was computed, that by that time, the Nation would come to a better settlement, and then there would be no need of that extraordinary encouragement; so that this Statute did in the most prudent manner intend the utmost improvement of the value of those lands, that could be expected from those times; and therefore we may reasonably believe, that the Statute under debate did the same.

The next Statute relating to this subject is the tenth of *Charles I.* chap. 5. whereby the Bishops of *Armdagh, Clogher, Raphoe, Kilmore* and *Derry*, are impowered for five years, from the beginning of the then Parliament, to set leases for sixty years, of certain lands granted them by the crown; but the then yearly rent is to be reserved to their successor; and seeing no general Statute had then passed, whereby Bishops could set under the improved rent; and that those lands had been but a small time in the hands of Bishops, we may reason-

reasonably believe, that Statute obliged them to set at the then improved rent, seeing we may reasonably suppose, the former proprietors of those lands had set them at a reasonable and improved rent; and therefore, *the then yearly rent*, mentioned in the Statute, will imply a reasonable and improved rent; from whence we may yet more strongly presume, that the Statute under debate, that passed in the next session, and probably within a few days, could not be so destructive of the rights of the Church, (of which this and the former Statutes had been so tenacious) as to permit Bishops to sell, or give away half the lands thereof; and the presumption will be the stronger, when we consider, that the Statute under debate was passed by a Prince of the most cordial and sincere affection to the Church's interests; and under the government of the Lord *Strafford*, a person of the most eminent zeal and animosity against all Sacrilegious alienations of the Church's patrimony; and therefore to prevent those two Statutes (which had their birth within a few days of one another) from clashing and contradicting, we must needs grant, that the extraordinary clause that occasions this debate hath a peculiar meaning; and this I shall endeavour hereafter, to give you in as clear a manner as I can.

The next *Irish* Statute (except that under debate) relating to this subject, is the

seventeenth and eighteenth of *Charles II.* chap. 14. whereby the Chantor, Treasurer and Archdeacon of *St. Patrick's*, are impowered to set for sixty years, at such a rent as the Lord chief Governour shall think fit, certain small parcels of ground near *St. Patrick's Church*: but then the preamble sheweth, that those lands were then not only wholly useless to those Dignitaries, but noisom to the neighbourhood; so that here likewise the Statute intended the utmost improvement of the Church lands that could be made at that time, and thence we may conclude again, that the intention of the Statute under debate was the same.

I come now 2^{dly}, to the perusal of the Statute itself; and here if we consider its title and preamble (which usually explain the intention of our Statute law) we shall clearly see, that this Statute designed our Bishops no such advantage, as they would now extort from it. 1st, As to the title it runs thus, *An Act for the preservation of the inheritance, rights, and profits of lands, belonging to the Church and persons Ecclesiastical.*

But can our Bishops be said to preserve the profits of the lands of their Sees to their successors, when they sell half of those profits to strangers, or give them away to their children, relations, and dependents? But 2^{dly}, This practice is still more apparently contrary to the preamble that runs thus, *For preservation and*
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continuance of all and every the manors, lands, tenements, franchises, liberties, profits and hereditaments unto the Archbishops, &c. according to the true intent and meaning of the original foundation thereof, without detriment, spoil or prejudice, be it enacted, &c.

They now that can reconcile our Bishops present practice with this title and preamble, will have a most happy knack at composing the most jarring contradictions to amity and good agreement: for will they say, that our Bishops continue to their successors, their manors, lands, profits, &c. according to the true intent and meaning of the original foundation thereof, without detriment, spoil or prejudice, when they alienate half the value of them (which is the only thing that makes them desirable) to their *lessee*, whether stranger, or friend? Was it not the intent of the original foundation of those Endowments, that Bishops should maintain Hospitality and Charity in proportion to their value? But how shall this be done, when half that value is sunk in their predecessors pockets through avarice? What greater detriment, spoil, or prejudice, can they do the See than thus to cramp their successors bounty, and render them unable, though they were willing to perform those duties that are expected from them?

Certainly to suffer the Palaces of their Sees to run to ruin, to cut down the woods belonging thereto, and other usual ways of destru-

ction, are not a detriment, spoil or prejudice, equal to the defalcation of half the lands or the value thereof.

But further, the paragraph which in the same Statute immediately follows, that which occasions the debate, seems to me directly opposite to that sense which our Bishops would extort from the foregoing; for whereas there had been fee-farms, and long leases, set by former Archbishops, &c. of several lands of the Church; and though it is probable, those leases were not strictly good and valid in law, and might have been broke upon a fair trial, yet because this could not have been done without great expence and trouble to the Incumbent Archbishops, &c. therefore to possess quietly, and without expence, the several Clergy of their ancient Endowments, the Archbishops, &c. are impowered to receive those ancient leases, and to make out new ones, with an improvement of rent for sixty years.

This seems to me the true reason and meaning of that Paragraph; and if it be, can we imagine the Legislature should be so industrious to recover that proportion of the value of Church land, that had been formerly alienated by leases, *and yet in the same breath, as it were, to have impowered Archbishops, &c. to alienate, probably a much greater proportion of that value, by leases as scandalous; this is* such

such an inconsistency as is not to be supposed in the Legislature.

Now therefore, to search out the true meaning of that clause, on which our Bishops ground so strange a practice ; and I must own that the Legislature seems to me to have had a double view, and both to the Church's good in that clause ; *the one of a mischief to be prevented, the other of a positive good designed the Church.* The mischief to be prevented was the setting long leases, and at low rents ; and this practice was pretty well obviated, by limiting Clergymen to set for no more than twenty one years, nor for less than half value ; the positive good designed the Church by this clause, was the improving her lands as far as their nature was capable, and this was to be done by planting those lands with substantial tenants, and by obliging them to all such improvements as those lands wanted ; which, when done, could not but very much raise their value to the successors of such Clergymen ; and perhaps even to the then Incumbents themselves ; and to allure such tenants, and to enable them to such improvements, Bishops, and other Clergymen, are impowered to abate half the yearly value of the rent ; the Legislature candidly supposing, that Clergymen would make abatements, strictly proportionable to the value of those improvements, that were necessary to their lands respectively.

And as the two first Statutes I mentioned, viz. the thirteenth of *Elizabeth* chap. 6. and the tenth of *Charles I.* chap. 5. did limit the Clergy to a certain time in making those leases they were permitted to make by those Statutes respectively, viz. the former to twelve years from the end, the second to five, from the beginning of the then Parliaments, by which times it was computed, that the occasions of making those Statutes, would be removed, and then those extraordinary powers in Clergymen were to cease; so it's very probable, there was some certain limitation of time, designed by the Legislature for that clause, whereby Clergymen were impowered to set their lands at half value, (by which time those lands might have received all those improvements they wanted, and then that clause was thenceforward to cease) though it may have been omitted, through inadvertency or otherwise.

This seems to me the full meaning and import of that clause; and I may, I think, challenge any to make it consistent, either with the other parts of the same Statute, or with the Legislature's care of Church lands in those other Statutes I mentioned, but by asserting this to be the meaning of it.

And what shall we now think of our *Irish* Bishops, who have perverted it to such base purposes, as it was never intended to countenance? What shall we say to them, who
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pocket up in large fines those improvements, the Legislature intended for the good of the Clergy in succession? Or else set off leases to their children and relations, to the much greater advantage of their families, without the least regard to the good of the Church, or the improvement of her lands?

Our Bishops ought, if need so required, to expose themselves to the greatest hazards to preserve the Church's rights: But under what denomination or title shall we consider them, when we find them, as it were confederated to swallow up her patrimony and subsistence? But there is no need to aggravate a practice, that is, though not very ancient, grown already odious and detestable to all sober and considerate men.

Now therefore 3^{dly}, to consider the tenour and nature of the whole Statute. It is evident this Statute is of a restraining nature; it limits Bishops, &c. in the exercise of a power they had formerly possessed, but grossly abused; and therefore it is not very likely it should give them any new power they had not before, and consequently cannot be alledg'd to justify a practice, that would otherwise have been confessedly Sacrilegious.

The case is really this, Bishops and Dignitaries had formerly at least assumed a power, with consent of their several Chapters, to set leases of their lands as long as they thought fit, and at as low a rent as they pleas'd; but

the Nation observing how scandalously some of them abused this power to enrich their families; and considering that it must, if strain'd as far as it would reach, at last totally ruin the settled support of the Clergy, so far as it depended on such lands; doth by this Statute restrain them in the exercise of that power; limiting them to set at twenty one years, and that for half value; and as I have suggested just now, the other half which they might abate, was probably intended as a compensation to the tenant for the improvements he should be obliged to. *So that if those leases would have been Sacrilegious antecedent to the making of this Statute, it doth not annul the guilt of them; seeing it giveth no new power to Bishops, but depriveth them of a great deal of power they formerly possessed.*

But though Bishops for a while after the making this Act, were satisfied with the common and usual gains of their Sacrilege, yet their more prudent and well managing Successors, have of late years made some considerable improvements in the Art thereof, if I may so call it.

Former Bishops were content to take a large fine, and so set their lands as well as they could, to the ancient tenant; but their Lordships have thought it more to the advantage of their families to wait the expiration of those leases, that so they might give the reversion of them to their children and others; and
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this project hath been thought so gainful, that it is now followed by most Bishops in the Kingdom, that find their leases near expiring, and themselves in an athletick healthy condition. Nay the late Primate, as I have been told, did even improve this improvement; and set a lease of some of the lands of *Killaloe* (whilst he was Bishop there) to a Clergyman in trust for himself, and that Clergyman did in a proper instrument declare the trust.

Now though I will not say, that these new methods are sins of a more malignant nature, than the former of taking a fine from strangers; yet certainly, thus to strike out of the common road in this sort of traffick, seems to shew minds more avariciously bent; it implies they would clip as near the ring as they durst, and if they do not go within it, it is much to fear'd, that it is because they know the coin would be no longer current. They are apprehensive their leases might not perhaps be good in law, should they let for less than half value, and therefore they do for the most part keep up to it: but they give great reason to the world to believe, that if instead of one moiety (which the Statute saith they may abate) the Statute had said $\frac{2}{3}$ or $\frac{1}{2}$ parts, they would have gone to the utmost extent of their power, in making those leases as beneficial as they could to their children, relations and dependents: so that succeeding Bishops have reason, as I said before,

fore, to thank the affectionate vigilance of my Lord *Strafford*, and the caution of the Legislature; not the tenderness and compassion of their predecessors, for that ample subsistence that is left them.

And thus I have shewn, and I presume with evidence enough, that the Statute under debate, did not intend to give Bishops such a power over their successors lands, as they now claim and exercise. 1st, By considering other Statutes that relate to the same subject. 2^{dly}, By comparing the several parts of that Statute one with another; and 3^{dly}, By considering the tenour and nature of the whole Statute.

And thus far I was willing to proceed in untying the knot, for the credit of the Legislature; to free it from those aspersions which such a scandalous practice might derive on it; by shewing that the Statute was not only innocent of all the consequent mischiefs, but that it was likewise excellent, for the piety of the Legislature (visible therein) in endeavouring thereby the good of the Church, and the better support and welfare of its Ministers; so that the pernicious practice I have been all this while exposing, must be a superstructure of our Bishops, rais'd on a gross mistake; or rather a plain perversion of that clause, and they only stand accountable for it.

But I might with much less trouble have cut the knot at once; I might have granted our Bishops, that the law did intend to permit

mit them to make that advantage they now do by their leases, if they thought fit to do so. This I say I might have granted, and yet, our Bishops would have gain'd but little towards their justification from such a concession; for the law may, for wise reasons, permit many things it doth not approve of; almighty God permits all the wickedness of mankind, yet we must not from thence infer his approbation thereof.

If therefore our Legislators (well knowing there was a tribunal superiour to themselves, before which our Bishops must appear) were willing to permit or tolerate them in such degrees of Sacrilege, provided they went no farther, all they can plead from thence is, an exemption from any temporal penalties on those accounts; but (as I said before in the case of *Commendams*) as to conscience and the law of God, they leave them in the same condition they would have been in, though no such laws had been made: if Sacrilege (that is, the alienation of those things that had been dedicated to God) be immediately a violation of the divine law, and not barely a transgression immediately against the law of man, our Bishops can derive but cold comfort from thence; that the laws of the land have thought fit in some cases, to leave them to the sole and just judgment of God.

Obj. But it will perhaps be urged here, that the laws of the land have a sufficient right to

to determine the property of all persons under their jurisdiction; and therefore if they have clearly given them such a power over their successors lands, and intended they should make use thereof, they are rightfully possessed thereof, and may honestly make use of it. I shall therefore now endeavour to prove, that supposing the laws of the land not only permitted our Bishops such a right or power over their successors lands, but also intended they should make use thereof, yet 2^{dly}, I humbly conceive, they could not give them such a right or power over their successors lands.

I hope it will not be taken ill by any, that I here suggest that there are certain limits in the determination of property, which even the Legislature cannot pass: for though I acknowledge our Legislature to be the supreme power of the Nation, in all Ecclesiastical, as well as Civil affairs; and that there is no appeal from thence to any human authority, yet it will, I suppose, be allow'd me that the Legislature it self, is strictly obliged to observe the known rules of justice in all its determinations. If we could suppose that such an extravagant Act of Parliament were passed, as disseised a man of his property, without even a pretence of any demerit in him; though he would in such a case be deprived of all legal remedy; yet, I believe, all people will acknowledge, that the several persons concern'd in passing that Act (if they knew the person's inno-

innocence who was to suffer by it) acted very criminally, and must hereafter strictly account for it.

Now if the Legislature be strictly obliged to observe the rules of justice, concerning the property of the meanest subject; much more is it tied up to the observance of them in those things that concern the property of Almighty God, as all Lands, Tithes and other Endowments of the Church do.

All therefore I have said is this, that the law could not justly give Bishops, &c. such a right and power as they now claim and exercise over their successors lands (and it is acknowledged *quod jure non potest, id lex non potest*) for this would in effect, as I proved just now, impower them wholly to alienate those Lands, Tithes, &c. which have been many ages past dedicated to support the worship and service of God; and this I conceive no human authority could do, without the guilt of Sacrilege: Now to satisfy my reader of the truth of this position, it will be necessary for him to recollect what I said before, concerning the unalienableness of Tithe, Glebe and other Parochial Endowments of the inferiour Clergy; for these lands of Bishops and Dignitaries are of the same tenure with them; and therefore, whatever hath been said there, may very fitly be applied here; *they are all of them of the property of Almighty God,*
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though Bishops and other Clergymen are allow'd an *usus fructus* therein, to support his worship and service; the Nation by accepting the laws of England, may be said many ages past, by many express laws, and dreadful imprecations of divine vengeance on the violators of them, to have dedicated them to him; and by that, hath divested her self of whatever right or propriety she formerly had therein; so that now she can no more resume them, or appropriate them to other persons or purposes, than a private person can break in upon his neighbour's inclosure, and take to himself, whatever he likes therein.

This seems to me the case of those lands, and indeed of all other possessions of the Church, they were all in reality granted to God, the language of the law in *Magna Charta*, is, *concessimus Deo, &c.* upon which words Lord Coke comments thus, That those things that are given for the honour of God, and the maintenance of his worship, are granted to and for God; and the instruments of the donation of sacred things, usually ran in these words, *Deo omnipotenti hac presenti Charta donavimus.*

Now seeing all resumptions must suppose an authority over those persons, from whom any things are resumed (this being the foundation of all laws, viz. the superiority of the Legislature to the person for whom those laws

laws are made) and seeing no state can presume an authority over Almighty God, I think all those things that once become his property, must for ever continue so; and especially if the Nation hath by any express law consented to the same; for I think indeed, the publick hath so great a share in every man's property, that no man can dispose thereof contrary to its intention; upon which account, I think, the Statute of *Mortmain* hath a sure foundation in reason. But when the laws have expressly confirm'd the bounty of any private person, to God's worship and service, the Nation hath for ever passed away all her right thereto and therefore cannot by any after-Act resume it, or meddle with it, any further, than that she may by proper laws, endeavour to preserve it to those good purposes it was given to.

Now if from Reason we turn to History, we shall there find another strong argument for the unalienableness of those things that have been once dedicated to God, viz. the unanimous belief and practice of Christians, Jews and Heathens. As for the Heathens, their Histories are full of severe reflections on the contrary practice; and are often very particular in the remarkable judgments that have pursued it.

Clement Spelman, in his above mentioned excellent Preface, gives us an account from *Pliny* that is somewhat remarkable, and to
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this purpose; *Trajan* refuseth liberty to build publick baths in a place where a temple had stood, for saith the Historian, *licet ædes sacra Claudii Caesaris sit collapsa, religio tamen occupat solum.*

But the most remarkable determination, I know of, in Heathen History against Sacrilegious practices, is that of the *Amphiſtyon* Council against the *Phoceans*. These *Phoceans* had taken away a piece of land that belong'd to the Temple of *Delphi*; upon which most of the States of *Greece*, resolv'd on the Sacred or the *Phocean* war against them, on the account of their Sacrilege: and though they made a shift to protract it to the length of ten years, yet many signal disasters and calamities befel them in the course of it; and being at last subdu'd by *Philip* of *Macedon* (who was deputed thereto by most of the States of *Greece*) they were sentenced by the *Amphiſtyon* Council with great severity; their double suffrage was bestow'd on their conquerour; they were depriv'd the use of horse and arms, till they should restore the sacred treasure, they had likewise ravaged to support their irreligious war; their city was levelled to the ground, and they themselves dispers'd by fifties into villages. This was the Sentence given against them by that Council, which being an assembly of the gravest and wisest men delegated by the severall States of *Greece*, giveth us to understand what the weigh'd and deliberate thoughts

thoughts were, of the politer and wiser part of the Heathen world, concerning such alienations, by what authority soever they were made.

Now, if from the Heathens we come to the Jews, we shall find many instances of Sacrilege committed on their Temple, but they were always remarked by their writers as execrable impieties, and the judgments that fell on those invaders, are for the most part recounted by them; of these you may find many instances in a Sermon of Dr. South's, concerning the consecration of Churches, and sundry other things very applicable to the point in hand.

But what I would chiefly observe from thence, is this, that all those five persons he there mentions, viz. *Shishac* or *Sesostris*, *Nebuchadnezzar*, *Belsazar*, *Antiochus* and *Nicanor*, to whom we may add the *Roman Crassus*, had subdued the *Jews*; or at least derived from them that had; and so had a Conquerour's right to their Temple and whatever else they possessed; which is by most, thought at least as extensive a title, as the settled Legislative authority of a Nation can give to any thing; and yet notwithstanding whatever right they might claim, from conquest or otherwise, their invasion of the Temple's wealth, was thought by the *Jews* and mostly by the invaders themselves, a Sacrilege worthy of those judgments that afterwards fell upon them:

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but most remarkable of all, is that death-bed confession of *Antiochus Epiphanes*, 1 *Maccab.* vi. 12. *Now I remember* (saith he) *all the evils I did in Jerusalem, how I took the vessels of gold and silver — I perceive therefore, those evils are come upon me for this cause, and behold I perish through grief in a strange land:* and to those instances of the unhappy fate of such as endeavour'd to invade the Temple, mention'd by Dr. *South*, you may add a great many others from that excellent Preface above mentioned, pag. 46, 47, 48.

And seeing all those invaders were vested with the supreme authority; and that the *Jews* did notwithstanding deem all their attempts to be Sacrilegious, we may conclude the *Jews* did not think the supreme authority of a Nation sufficient to justify the alienation of those things that had been bestow'd on their Temple: and sure we cannot think the wealth and ornaments of divine service that were laid up in the Temple, to be more unalienable than the Lands and other Ecclesiastical Endowments, that were given for the settled support of the Ministry, which is of the last importance to Religion.

But because the *Jews* and *Heathens* may be thought to have paid too superstitious a reverence to the externals of religion; come we at last to the times of *Christianity*.

And here, in the very infancy thereof an instance offers it self, that is enough to make
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all those tremble who have any reason to suspect they are guilty of the like practices; it is in the vth of the *Acts*, *Ananias* and *Sapphira* having devoted their possessions (at least as they pretended) to pious uses; and having sold them that a distribution might be made to the necessities of the brethren, they detain'd a part of the value, and came with the remainder to the Apostles: but the whole having been mentally, or at least in outward appearance, dedicated to the service of God, became thereby his property, so that what they kept back, was so much Sacrilegiously alienated from him, by whom they therefore were accordingly punished.

I know Dr. *Whitby* giveth this whole affair another turn, and would ascribe their punishment, not to their theft, but to their folly and impiety, in thinking to conceal what they had done, from the knowledge of the Holy Ghost, by whom the Apostles were then, in an extraordinary manner, govern'd and directed: but whoever will peruse Dr. *Hammond* on the same subject, will find that he much more reasonably (as well as more agreeably to the general sense of Divines) ascribes their punishment to their Sacrilege: *ἡ δόξα* with an accusative of the person in the third verse, signifying (as the Doctor there sheweth by sundry instances) *fallere* to deceive, cheat, or defraud; not *mentiri* to lie to any one; and if this criticism of Dr. *Hammond*'s

be allow'd (and sure there is good reason it should) we have thence an authentick Scripture precedent for those expressions so frequent in our laws, and in instruments of donation of sacred things, viz. *concessimus Deo, donavimus Deo, offerimus Deo, &c.* for *contrarium eadem est ratio*, and therefore seeing St. Peter calls the taking away those things that were given to pious and religious uses, the deceiving, cheating, or defrauding the Holy Ghost or God, the giving any thing to those good purposes, may with propriety of Speech, be said to be the giving them to the Holy Ghost or God; and then let those who possess any thing that was so given, consider whom they have robbed.

But to return, St. Peter's expostulation with Ananias may be thus briefly paraphrased, Ananias, why hath Satan emboldened thee thus to cheat or defraud the Holy Ghost or God, of what thou hadst vowed to him? the lie thou hast told to conceal thy fact, was not told to common men, but to persons taught and instructed by the Holy Ghost, who is God, and who therefore knoweth the fraud thou hast committed.

And we may from thence learn, who it is that giveth men courage or boldness to break through sacred conveyances and purloin holy things.

Now seeing from thence it appears unlawful, for a man to resume what he himself hath dedicated to God (tho' but mentally, or rather, in bare outward pretence, but (to be sure)

sure) without any external oblation thereof) it is, at least as unlawful for any other: and as to publick authority for the doing thereof, *I suppose the matter would not have been much mended, though a decree of the Roman senate (the then supreme authority of Judea) had passed, empowering Ananias to do so, this I say, would not have annul'd the guilt of his action.*

As to the subsequent times of Christianity, there are not many instances to be met with in them of Sacrilege (unless such as I mentioned under my last head concerning Tithes) till towards the reformation; Christians being, in that interval of time, rather profuse and lavish, if I may so speak, towards the service of God, than rapacious of what others had dedicated to him.

But then indeed, to shew us there is no good here below pure and sincere, without all mixture or allay of evil, Sacrilege, like a torrent, seems to have broke in upon the Church; and I cannot but own, that the many instances of this nature, that then happened in the Christian world, stand, in my opinion, as a blemish to our reformation, and very much fully the glory of those that were the chief instruments of it.

There were indeed a great many foundations consisting partly of lands, partly of Tithes, that had been made to very superstitious uses, which it was necessary then to suppress and abolish; but the foundations might

have been preserv'd and apply'd to other truly holy purposes; and this would have been, the striking light out of darkness, the producing good out of evil; the Tithes ought, as I said before, to have been restored to those Parish Churches, they had been Sacrilegiously alienated from by the Pope, the Regular Clergy, &c. and the lands might have been applied, to such truly religious purposes, as would easily have occurred to the serious consideration of the Legislature; but to convert those Lands and Tithes into Lay fees, to constitute Parsons who could perform no Pastoral duty to their flock, was I humbly conceive, too great a strain of human authority.

And here, I cannot but take notice of the strange conduct of our *Irish* Bishops in a late affair of the like nature.

The Act of Resumption had vested the Impropriations, forfeited at the late revolution in *Ireland*, in the hands of Bishops for twenty one years, for the repair of Dilapidated Churches; and from thenceforward to be by them, with the consent of the Chief Governor of the Kingdom, for ever applied to the Augmentation of poor Vicarages.

Now (to say nothing of their foolish management of them whilst they had them in their hands; their being bubbled out of the most part of the value of them, by an ordinary fellow, occasion'd by their refusing to consult with the several inferiour Clergymen

men in whose neighbourhood they lay, though requested so to do by the lower House of Convocation.) Certainly, had our Bishops had a true notion of the nature of the sin, and a just horror of the guilt of Sacrilege; they would have made use of this opportunity, that Providence had put into their hands, to redeem the Nation from its share thereof, for so much, by restoring those Impropriations to their respective Vicarages and Curacies, from which they had been Sacrilegiously alienated by the Pope and Regulars: and this would have been very agreeable to a motion made by Archbishop *Tenison*, late Archbishop of *Canterbury* to King *William*, when he was design'd to the Archbishoprick of *Dublin*, as you will find it in *Dr. Kennet's Case of Impropriations*, pag. 318. but to apply them as our Bishops have done, *viz.* to augment the maintenance of other Vicars, doth I think, but continue the guilt, for only the person who is to perform Parochial duties in the Parishes where those Tithes do lie can have a right to those Parochial Endowments; *so that the Sacrilege hath only changed hands, but hath not put off the inherent malignity and sinfulness of its nature.*

The like practice was severely felt and re-sented by Antiquity; and is assign'd by *Dr. Kennet* as the first inlet to Sacrilege, and several early provisions were made against it; a Clergyman was forbid to persuade the Parish-

oners of another Pastor to be his hearers and to pay their Tithes to him; but every one was to be content with the revenues of his own Parish. *Spelman, Concil. tom. 1. pag. 593.* and *Celestin III.* enjoins the Archbishop of *Canterbury*, that Parishioners should pay their Tithes to their own Church, and not to others at their pleasure; and *Innocent III.* mentions particularly the alienations which some had made, of the whole or two thirds from their Parish Church, and orders the Archbishop of *Canterbury* (which yet was directly the practice of our *Irish* Bishops in the present instance) to redress it.

There were indeed (besides what I mentioned before of *Charles Martel*) one or two other memorable instances of Sacrilege before the Reformation; but the event was so tragical to all those concern'd in them, that one would think they could not much tempt Protestants, who at least pretended to be only for a godly Reformation, to the like practices.

1st, *Clement V.* to gratify *Philip* the Fair of *France*, gave him all the lands and endowments of the Templars, as a portion to his youngest son; but before a year ran about, death had seized on them both, and the Council of *Vienne* frustrated their avarice, by giving their Possessions to the Hospitallers; and what makes their deaths the more remarkable, was the summons, which one of the Templars whilst he stood at the stake to be burnt, made both

both to the King and Pope (who were then present) to appear within a year before the tribunal of God.

The next instance is of *Clement VII*, who permitted Cardinal *Woolsey* to pull down forty small religious houses, to endow some Colleges with, that he intended to build; but the unhappy ends of the Pope, the Cardinal and all concerned in that dissolution (as you may read in the abovementioned Sermon of Dr. *South's*, and also in that excellent Preface of *Clement Spelman's*) stand as so many landmarks to warn Posterity to avoid the like shelves.

But what I would chiefly observe from the last instance is this; that as that attempt of *Woolsey's* is allowed by all *English* historians, who treat of that affair, to have been the main encouragement to the dissolution of all such houses in these Kingdoms; by insinuating that their properties were not so unalienable as the world had thought them; so it's well, if our Bishops present practices, as to those leases and Parochial Endowments I have mentioned, do not hereafter prove an inducement to the State to strip them and the inferior Clergy of all those Endowments they now possess; for they have entangled themselves in an unhappy dilemma, from whence, I fear, all their art or sophistry, will never handsomely disengage them; if the State hath such an absolute and unlimited power over
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Ecclesiastical Endowments, that it can without Sacrilege, or any other sin, bestow on Bishops for the use of their private families, half their successors lands or their value for twenty one years; it can (and as I said before, it may hereafter think fit, to) bestow on any other persons, and to any other purposes, $\frac{1}{2}$, or $\frac{2}{3}$ or $\frac{2}{3}$ parts of the Clergy's income, and that for 2100 or 21000 years, till the whole be for ever alienated from the Church; but if the State hath not such an absolute power over Ecclesiastical Endowments, it will be impossible for our Bishops to clear their present practice from Sacrilege; for their vindication must suppose such a power inherent in the State; *Our Bishops therefore would do well to consider, how to justify their own practice, and at the same time to defend the Church's Patrimony from (what I suppose they will allow to be) Sacrilege; they have made so wide a gap in one of the best defences of her Endowments, (viz. the general opinion of mankind that they were unalienable) that I fear the wisest politician of them all will never be able fully to repair it.*

Woolsey did little intend the destruction of religious houses in these Kingdoms that followed; but avarice soon built upon the foundations he had impiously and indiscreetly laid; and as he must, in a great measure, be charged with all the mischiefs of that kind that followed;

followed; so certainly our present Bishops are accountable to God, for whatever mischiefs do hereafter ensue to the order of the Clergy from their present practices.

Before I quit this subject of the Legislature's power over Ecclesiastical Endowments (from whence the objection I have been all this while resolving was raised) give me leave to lay before our Bishops the case of *Henry VIII.*

Sir *Henry Spelman*, in that famed treatise, *De non temerandis Ecclesiis*, doth all along suppose those alienations made by *Henry VIII.* to be Sacrilege; nay he observes an unhappy and strange parallel betwixt him and *Nebuchadonosor* (to which his son adds *William the Conquerour*, as to his male line) in their punishments; the posterity of each of them being cut off in sixty eight years, *post ereptas templorum res*; his son *Clement Spelman* goeth farther, and giveth him very course language, telling us, he is now only remembered, as *Herostatus*, by his crimes; Archbishop *Whitgift*, as may be seen in *Hooker's* life, doth more than insinuate to *Queen Elizabeth*, that her father was guilty of Sacrilege in what he then did; and that a part of the Church lands, being added to a vast estate left him by his father (*viz.* according to *Clement Spelman* 5,300,000 *l.* according to *Bishop Burnet* 1,800,000 *l.*) brought a great and inevitable consumption on them both; so great, that according to *Spelman*, he was forced in the thir-

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ty sixth year of his reign, to coin brass and then leather money. Dr. *South* likewise lasheth the transactions of the same reign, that relate to this subject, with great severity; and I think it is the general opinion of Divines, that all those alienations were Sacrilegious; yet it is certain, that King *Henry VIII.* had previous Statutes to justify every thing he did of that nature, so far as Statutes could do it; whence I infer, if those Statutes could not exempt a temporal Prince and his officers, in the common opinion of the world, from the guilt of Sacrilege and the punishments consequent thereto, when they engaged in those practices, *much less will the like authority exempt our Bishops from the same guilt and punishment, since they are plunged in the like practices; for they ought to have a much more tender regard to the patrimony of the Church, than a temporal Prince.*

But I really think this matter may justly be set in a much more favourable light, for that King and the Parliaments of his reign; and consequently the argument must appear stronger against our Bishops; for *Henry VIII.* and the Parliaments of his reign, did not alienate those Tithes and other Parochial Endowments from the Parochial Minister; that had been done long before by the Pope, in favour of his life-guard, the Regular Clergy, by appropriating them to their Monasteries: and all that King *Henry VIII.* and the Parliaments

ments of his reign did, was to continue matters as they found them, only altering the special occupation, by withdrawing them from Monasteries and vesting them in the Crown; from whence many of them have since with great piety been restored to the original occupants, the Parochial Ministers; which it is certain would never have been done by the Monasteries.

And it is very probable, the Crown would have disposed of them all the same way, had it not been early surprized into grants of some of them, which it could not afterwards resume; but it is certain, that had it not found them so unjustly possessed by Monasteries, contrary to the original design of them, it would no more have meddled with them, than it did with the other Parochial Endowments of the Church.

But now, if King *Henry VIII.* and his Ministers, notwithstanding all those alleviations, deserve such hard language; what shall we say of Bishops, who by their scandalous leases and detention of Parochial Endowments, as above mentioned, have as effectually alienated the Patrimony of the Church, and yet want all those alleviations to plead in abatement of the guilt? *For they are original and unprovoked alienators thereof.*

And to this instance of *Henry VIII.* (which I hope our Bishops will now seriously reflect upon, and apply to their own practice, that they

they may the better observe how far they exceed him) let me add that of the Royal Martyr *Charles I.*

It will be evident to any one, that will remove the veil of hypocrisy (with which those times endeavoured to conceal their real sentiments from the publick view) that a main motive to engage in and continue that unnatural rebellion, was the avaritious eye, that many of the chief actors had to the lands of Bishops, Deans and Chapters: the alienation of them was urged, in almost every treaty that was set on foot, and Scripture and Antiquity ransacked for a few lame arguments to persuade the lawfulness thereof: and it is probable, that had his Majesty readily complied in this particular, he might, by a dexterous distribution of them, have extricated himself out of all his troubles: but his constant return to that demand was, that such an alienation was Sacrilege, and therefore he could not in conscience assent to it.

And if we consider his conduct in the last treaty, (that was violently broke off by *Ireton* and the army) we shall be fully satisfied, that he had a very great horror of the guilt of such alienations; for though he then consented to approve of by Act of Parliament, that unnatural rebellion, and to declare it a just and lawful self defence; though he yielded up the Militia for twenty years, and granted them the nomination of all the great officers,

cers, civil and military; though he gave up some of his best friends to their malice and ambition; (which must be exceeding hard and grievous to a generous mind) and though he complied, with many other extravagant demands that they made; yet as to Church lands, the utmost concessions he could be brought to, was a lease of 99 years at a moderate rent, and that to be applied to the Church's use; neither the bleeding and distracted condition of his Kingdoms, his own imprisonment, the ruin of his posterity, nor the fear of his own life, from an insolent and rebellious army, then grown clamorous for his destruction, could prevail with him for a total alienation of those lands; and it's very probable, as *Prinn* observes in his Speech to the House of Commons upon the occasion, that if he had given speedy and plenary satisfaction in that particular, his concessions would have been voted satisfactory, without the least contradiction, and so an agreement might have been made, before the army could have interposed.

And now, what shall we think of those Bishops? who greedily catch at the opportunity of making such leases, (though by a plain perversion, or a very gross misunderstanding the true intention of the law) as nothing but extream necessity could extort from that Martyr; and would probably welcome the offer of a further power to make a compleat sale

of them (which the greatest dangers could not force him to consent to) could they thereby effectually secure them to their families.

Doth not their practice burlesque his sufferings, and represent him a Martyr to his own folly and mistake, rather than to any important point of religion?

Obj. But it may be urged, this instance overthroweth the cause it was brought to support, for it is plain from thence the King, though unwillingly, did comply, (so far as to consent to the like leases) and therefore the practice is lawful, if his example be to determine the matter.

Sol. I answer 1st, A real necessity will very much excuse, though it will not justify a bad action; and it's certain, it was such a necessity that extorted that concession from him. But 2^{dly}. The practice of setting Church lands for low rents and large fines was even then got in among the Bishops, Deans and Chapters; so that the King by this concession did little more than continue things as he found them; he did indeed consent to alter the special application, but still preserved the same general end of piety, for which they were at first given: for he rigidly insisted on the old, or some other moderate rent to be given, and that for the Church's use. But 3^{dly}, If we consider, that those lands had been actually sold and alienated by an ordinance of both houses, we must allow the King's concession

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to be a pious policy to regain somewhat of that that had been wholly lost, rather than a Sacrilegious alienation of any part of the Church lands; and that it did sufficiently recompence the loss of the fines they were to be deprived of.

And now I shall leave the objection which was drawn from the Statute under debate to our Bishops themselves, to make the most they can of it; if it can do any thing towards their justification, it will do much more towards the destruction of the Church's patrimony, whenever avarice shall think fit to set up on it.

And therefore I shall here repeat what I said before concerning Tithes; let our Bishops clearly and in exprefs terms declare, that they believe the lands of their Sees are not so unalienably affixed to the Church, but that the Parliament may, whenever it thinks fit, resume and bestow them on any persons or purposes, without the guilt of Sacrilege or any other sin; either in the bestower or acceptor thereof; or else let them shew us how they themselves are exempt from the guilt of the like sin, in the affair of those leases.

And what I have said of Bishops is altogether as applicable to Deans and other Dignitaries, who would likewise under colour of this Act set the lands belonging to their several Deanries and Dignities at half value; so that I think I need say no more to prove that

their practice is likewise sacrilegious; but their advantage by such leases being so small; it is to be hoped they will be easily dissuaded from making them.

It was ordained by Stephen Langton in the Council of Oxford anno 1222. *Cap. Ecclesiastum* (*Conf. Lyndwood Provi. de rebus Eccles. alienandis*) that no Parson (which in all good reason ought to extend to Bishops) should presume to sell, mortgage, or by any other means alienate to HIS OWN RELATIONS, FRIENDS, OR ANY OTHERS, THE POSSESSIONS OR REVENUES OF THE CHURCH COMMITTED TO HIM; that if any such thing was done it should be of no force in law, but the person who presumed to do it, should be deprived of his Church he so endeavoured to injure. Bishop of Lincoln's Visitation Charge, which I think ought to be deemed as full against that practice of Bishops, Deans, and Dignitaries, I am now discoursing of.

I should, before I quitted this subject, have taken notice of an infamous practice (of near affinity to that I have been discoursing of, and which seems to have been one of its mischievous issue) that hath been lately started and spread in the Dioceses of Cork and Cloyne, by a certain Dean, (the well known infamy of whose character doth very well suit with the iniquity of the project) and that is, the Dignitaries taking the Tithes of the several Parishes

ishes belonging to their Dignities in the Cathedral, to their relations or others at half value, under colour of the word *hereditaments*, which is in the Statute above mentioned; this practice, I say, (which was spreading very fast in those two Dioceses) I should have taken notice of at large, but that our Bishops, observing the mischievous tendency of it, took care to nip it, almost in the bud, by a proper bill, which kind interposition of the Bishops ought to be gratefully acknowledged by the inferior Clergy, and those that wish well to the Church's interest.

But then I must observe, that even this care of the Bishops, as to the Tithes of the inferior Clergy, is another undeniable argument against their own practice, as to those scandalous leases of their successors lands I have been so long discoursing of; for are not the lands of Bishops as sacred and unalienable, as the Tithes of the inferior Clergy? and as it was highly commendable to put an end to the one base practice by a proper bill, doth not the other, not only allow of, but loudly call for the same remedy?

I have now done with the objection that was raised from the Statute under debate, against the position I laid down, and have shewn, I hope, with sufficient evidence, 1st. That it did not intend; and 2^{dly}. That it could not give Bishops and other Clergymen such a right and power over their succes-

fors lands, as they now claim and exercise by those leases; and this being the last retrenchment that our Bishops had to make a stand in, to acquit their practice of the guilt of Sacrilege; I may presume to say, I have plainly shewn it to be sacrilegious.

What I have here said is principally to be understood of such leases, as outlive the presidency of those Bishops who made them; for if the Bishop should continue in his See, beyond the expiration of the lease, he cannot be said to have defrauded his successor by that particular lease; and yet, even in such a case, he may be said to be guilty of Sacrilege, with the same propriety of speech, that he, *who looks on a woman to lust after her*, is said by our Saviour, *to have committed adultery with her in his heart*; his making such leases as put it out of his power to do justice to his successor is a mental Sacrilege: though I must own, I think, that when Providence so far concurs with him, as to ratify and confirm what he designed by his death or removal out of that See, this mental Sacrilege receiveth a mighty aggravation from the injustice his successor is then actually suffering; the sin is then finished, and as St. James expresseth it, *will certainly bring forth death*.

And therefore our Bishops would do well whilst they have day before them, to redeem their guilt as far as they can, by cancelling those leases they have made to their children
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and dependents, and buying up those they have made to strangers; and where this cannot be done, by charging their private fortune, equivalent to the deduction, for their successors use.

This advice may indeed seem harsh to those that have swallowed luscious morsels of Church lands, or their value in fines, by those leases; but it is, I am confident, wholesome to all those that are concerned; it is not only absolutely necessary to the future happiness of those Bishops and Clergymen, that have engaged in this sort of traffick; but it is likewise very conducive to the present welfare of their families: for Sacrilegious gains are a gangrene, that will for the most part eat through the fruits of our honest acquisitions. Archbishop *Whitgift* observed, as I said before, that Church lands, added to an ancient inheritance, have often consumed both; and therefore, though they that deal in Sacrilege have usually the cheapest pennyworth, yet as Dr. *South* saith, it is observed, *they seldom have the best bargains.*

So that as Bishops and other Clergymen, tender even the temporal welfare of their families, they ought to abstain from such gains, as will probably entail a consuming curse upon them.

But, if what I have said in this affair, cannot prevail, let them seriously peruse that excellent preface of *Clement Spelman's*, I have

formerly mentioned, together with Sir Henry's history and fate of Sacrilege.

And now to look back a little to the Sacrilege of Clergymen in the affair of Tithes, of which I have spoken before, it is much to be feared, that Bishops and Dignitaries, &c. receiving the Parochial Endowments of so many Parishes (whether as appropriate Parsonages, or as Rectories with Vicarages endowed, or otherwise) where they perform no Parochial duties, nor conscientiously endeavour it, are a great encouragement to Laymen, to retain those Improvements they have gotten; and if so, not only their own practice, but the National guilt of Sacrilege lieth heavy on them; would they wash their hands clean of them, and generously refuse to share any longer in such Sacrilegious gains, they would give a more convincing argument to Laymen, of the real sinfulness of the practice, than all their declamations against Sacrilege from the pulpit can afford against it; and would be more likely to persuade them to a restitution; for the Lay Impropiator, easily repels all the darts that are thrown against him from thence, with a *Medice, cura te ipsum*.

But to proceed from advice to a legal remedy against the last branch of Sacrilege, viz. Bishops and Dignitaries, &c. setting their lands at half value, I think it might be obtained by a clause that should oblige them not to set the lands of their Sees, Dignities, &c. beyond their

own incumbency, unless at an improved rent, without a fine, and then only for 21 years.

But against this it may be objected, that it would hinder the improvement of the lands of their Sees, Dignities, &c. which would be a general prejudice.

To this I answer 1st. This cannot with any decency be objected by our Bishops, Dignitaries, &c. when we consider, how seldom they have covenanted for any useful improvements in the several leases they have made since the act on which they ground this scandalous practice hath commenced; it is not the improvement of their lands, but the improvement of their rents, or rather of their fines, that they are solicitous about; and by the help of a little treatise of the purchase of annuities, (brought over here first by some of our *English* Bishops, and which, from their constant use of it, may be called the *Bishops Breviary*, and on which a Right Reverend Bishop hath already commented) they are all grown so ready and dexterous at their computations, that they can now *rate Sacrilege by drams and scruples*: and therefore instead of viewing their lands when they are to renew a lease; considering or enquiring what improvements are wanting, what abatements ought to be made to the tenants for making them, and covenanting with them accordingly for them; instead of all this, they need only turn over a

few pages of that valuable piece, and all that is necessary for them is done: but had a due care been taken of improvements by the present set of Bishops, and their predecessors for some few years past, their lands would have been the best improved of any in the Kingdom; and this would have been, as I said before, acting agreeably to what I apprehended to be the true intent and reason of that clause in the Statute, by which they are enabled to set at half value, or rather are restrained from setting at less than half value; and the proportion abated, was, as I think, intended as a compensation for the improvements wanting and to be made. But doth it not greatly reflect upon our Bishops negligence, or rather their avarice? Thus to pocket up those intended improvements to the impoverishing of their successors, the general hurt of the Kingdom, and even to the furnishing a plausible claim for a Law to compel them to set for lives; which must tend to the greater hurt of their successors, as matters are now managed by them. But 2^{dly}. Are there not many other lands of the Kingdom set for 21 years, and yet by the discreet management of the Landlord with his Tenant, improvements are carried on well enough on them; especially where the Landlord hath a value and regard for those who are to succeed him; and therefore the want of improvements on Bishops lands, ariseth rather from their want of discre-

discretion and understanding in country business; or from the want of tenderness and regard to their successors, than from the shortness of their leases: and surely, now they see this is become a popular, almost a National argument against them, they will for the future take more care of those things in every lease they make.

Now, the regulation we are on at present is ineffectual, that Bishops and Dignitaries may do justice to their successors, and leave their Sees and Dignities disencumber'd from those scandalous leases: but then, if we consider the principal end for which those great endowments were given to Bishops, *viz.* to enable them to suitable works of Charity (which is the most shining ornament of the Christian Ministry) and how generally that is neglected by them; we shall see there is great reason, that the Legislature should proceed to a much stricter regulation, by resuming such a proportion of their lands, or rather of the value of them, as shall be thought fit, and applying them to such truly religious purposes as shall be thought most proper.

And amongst all those charitable uses to which such resumed lands or value might be applied, perhaps none will be found of greater importance to religion, than buying up the several Improvements and Appropriations of the Kingdom; the building manse houses
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on those Parishes, or Unions, and others that want them; and cloathing and instructing the poor youth thereof; and therefore, if the value of the resumed lands, were for some few years applied to purchasing the Improvements and Appropriations, and that the several possessors thereof, were by Act of Parliament oblig'd to dispose of them at so many years purchase (to be computed at a mean rate, made up of their values for three years last past) as the Parliament should think fit; the whole would be bought up in a short time; and manse houses might be built in all such Parishes as want them; and those resumed lands or values, might be thenceforward for ever, applied to the cloathing and instructing in reading, writing and cyphering; and then binding out to trades a very great number of the poor children of the Nation.

Now these are two points which the Nation is very nearly concern'd to promote and further; and yet I believe there will hardly any other method be found out, by which it will be done more easily and effectually, or indeed more justly.

For, I think I may truly say, that our *Irish* Bishopricks are so amply endow'd, that they would afford each Bishop 1000 *l. per Annum*, each Archbishop 1200 *l.* and the Primate 1500 *l.* over and above which there would remain full 40000 *l. per annum*; and this, I say, being honestly applied, would
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(according to the former preliminaries) in a few years, purchase off all the Impropriations and Appropriations of the Kingdom, build manse houses in all Parishes they are wanting in and necessary; and would thenceforward, according to Dr. *Nichols's* project, afford schooling and cloathing to 20,000 Children, besides an apprentice's fee for a proper number of them every year.

And now to persuade to this design the more effectually, it will not be amiss to lay open at large, the advantage of each particular to the Nation.

1st. As to the Nation's advantage in buying up and restoring to the Church the several Impropriations and Appropriations of the Kingdom: it is not the Clergy only would be gainers by this, much the greater advantage would redound to the Laity thereby; I suppose my self to speak now to Persons that have a real regard for religion and the welfare of souls; now to such, it cannot but be a great grief, to see that the Clergy of the Establish'd Church are not able in many places, to pay that close attendance to their flocks that the necessity of their several circumstances may require; to see the doors of many Parish Churches shut up every second Lord's day, and perhaps in two Sundays in three, there is not Divine Service in them; to be forc'd upon any emergency, either the weakness of a child not yet baptized, or the sudden indisposition of

of an adult person, to send many miles for their Minister, who may perhaps be discharging his duty in some other part of the Parish at a great distance; to be deprived of the frequent and familiar converse of their proper Pastor, when his company might be most helpful to their spiritual necessities; these are grievances that are observ'd with trouble and concern by pious well disposed Christians, and loudly complain'd of by many that bear no good will to religion; they are urged by them to render the Clergy odious; though they are not really their faults, but the defects of our constitution, through the multitude of Impropriations, Appropriations and other *Sine cures* that lie scattered in most Unions in the Kingdom; for from thence and the want of a discreet union and division of Parishes, it often happens that the Incumbent, who dischargeth the Parochial duties of the Union, hath no more than a third; in some parts of his Union, no more than a ninth part of the Parochial Endowments thereof; and therefore to make up a bare subsistence for the officiating Clergyman, there is a necessity of putting a large district of land, and a great number of souls, under his care and inspection; but the inconveniencies of this expedient are many, as I have said just now, and yet unavoidable till those Impropriations, Appropriations and other *Sine cures* are destroy'd; and therefore, all that particular Clergymen would gain by it
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is this, that when their care is brought within a narrower compass; they will discharge their duty with more ease to themselves, more satisfaction to their Parishioners; and with much greater assurance of success.

Those wide extended Unions (which yet are unavoidable upon the present plan) give Popish Priests (who are sculking almost every where, looking what heedless souls they may devour) a great opportunity to seduce ill grounded and unstable Protestants; and therefore, as the Nation wisheth the firmer Establishment and further progress of the Reformation, it ought to do what it can conveniently, to retrench those large Unions that so much obstruct and hinder it.

And the building of manse houses in convenient parts of Unions where they are wanting, would enable Clergymen to discharge their duties not only more comfortably to themselves, but also more satisfactorily and profitably to their Parishioners; from whom they are now often, as it were banish'd, through the want of such a convenience.

And towards this proposal, his Grace the most Rev. Father Dr. *Theophilus Bolton*, the present Lord Archbishop of *Cashel* made a considerable advance the third last Session of Parliament, as I think, when opposing a Bill brought into the House of Lords by some of their good Lordships the Bishops, to oblige Clergymen

Clergymen under very hard conditions to build manse houses, and which was with great honour thrown out in the honourable House of Commons *nem. con.* his Grace declared, as I have been told, *that their Lordships the Bishops ought to build those houses, that they had Endowments which ought to be applied that way, and that in the next session of Parliament, he would move to bring in heads of a bill to charge their lands with an HUNDRED THOUSAND POUNDS to be apply'd to that purpose.*

Here was a Noble Declaration and Overture, and you may be sure his Grace had in return a plentiful portion of the *praise* and *incense* of the Clergy and many others: but alas! such was, as it often happens, the unfortunate weakness of that great man's memory, that that noble plan hath not been so much as mentioned by his Grace in either of the sessions that have since succeeded.

But as these paragraphs are intended to recal to his Grace's mind his former kind intentions towards the inferiour Clergy, it is with good reason to be hoped that if ever a bill should appear in that Honourable house in favour of the scheme I am now upon, *it will meet with his Grace's warmest endeavours to further it into a law, seeing it's only some small additional improvement of his Grace's own plan.*

But I must beg leave to make a farther use of this instance before I quit it, *viz.* to offer
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it to those who think his Grace of *Casles*'s skill in matters of law to be any thing considerable, at least as *argumentum ad hominem*, to satisfy them of the justice of the scheme I am now upon; for if the Legislature should proceed so far as his Grace's late intended proposal would have carried them, it will be impossible, I think, to prove it cannot with safety and innocence step on as far as the scheme I am on requires.

(1) As to the other part of the design, *viz.* the cloathing and instructing and putting in a way of getting an honest livelihood, so great a number of children yearly, it is a thing well worth the Nation's most serious care and endeavour.

The multitude of idle vagabonds and poor helpless people that crowd almost every where, is a melancholy prospect to a tender and compassionate mind; and though no doubt many of them owe their calamities to the various alterations of trade in its several branches; yet I am confident the greatest part of them are brought into that condition by a loose and idle education; there were no principles of religion instilled into them in their infancy, nor were they put in any way of getting an honest livelihood; and how can it be expected now they are grown up but that they will be both idle and immoral? and yet I do not doubt if this proposal were thoroughly pursued, but that many of them who are now likely to be a burden

den to the Nation and a scandal to religion; would then be a support and defence to the one, and an ornament to the other. And as to the Establish'd Church in particular, it would be an extraordinary accession of strength to her; for the placing fitting teachers in those schools and a superintendency over them and their scholars, might and ought most naturally to be lodg'd in the Parochial Ministers thereof; by which means, they might be prejudiced so far (if I may so express my self) in favour of the Establish'd Church, that it would be hard, if not impossible, to separate them when they were grown up from her interests.

But then, to carry on this proposal with respect to those poor children; and likewise for the more religious education of the other children of the Nation, it would be very necessary that our Bishops (who trifle life away in an inglorious sloth, and are perfectly tired out in idleness) should, for a while at least, rouse from their slumbers, and apply themselves to the compiling a more compleat body of Catechetical Divinity, than we are yet furnish'd with: for though there are many things, excellently well done in our Church Catechism, yet the multitude of large printed expositions of those few pages that are to be found; together with the more numerous private explanations thereof, that almost every Minister, Schoolmaster and others devise for
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their own use; are to me a demonstration, that that Catechism is generally thought to be too brief or too obscure, to be of any great advantage of it self, to them it was design'd to.

And seeing there is scarce any thing, wherein uniformity would be more beneficial, than in a proper method of instructing youth in the right principles of religion, I leave it to every man's judgment, whether it would not be much fitter that a just and full body of such truths as are necessary to be believed and practised, with the several grounds thereof, should be compiled and set out by publick authority, than that every Clergyman, Parent or School-master should be left at liberty, to choose one according to their fancies, out of the many printed expositions that are to be found, or to devise one of their own.

And seeing it's necessary to make such large additions to the text, to render it in any great measure useful; it would perhaps be much easier for the compilers and more to the advantage of their work, to devise a form wholly new, than to tie themselves to the method of this, which it may be very hard in many things to accommodate to their designs.

And if I might presume to declare my self farther on this point, I should think, that seeing the three great enemies of our Church are Atheism, Popery and Schism; such a treatise ought to furnish the young reader with

the most proper weapons and defences against each; it ought to convince his reason of the being of a God, the divinity of our Saviour, the divine authority of the holy Scriptures, the immortality of the soul and the certainty of a future state of happiness or misery, which is the most powerful motive to our hopes and fears: it ought to lay before him the most pernicious errors of Popery and the most conclusive arguments against them: and it ought to possess him of the danger of separating from an orthodox Church, and the necessity of a divine institution and succession in the Christian Ministry.

I am apt to believe, that the want of a due impression of these important truths on the minds of youth; is the reason we find so many of the Gentry of these Nations, glory in a profess'd Atheism or Socinianism; and that so many of the inferiour sort are seduced by Papists and Dissenters. And indeed we cannot, I think, reasonably expect it should be otherwise; for, will they earnestly contend for that faith they have been almost utter strangers to? will they heartily espouse the interests of that Church, whose doctrines they have been almost wholly ignorant of? And if ever we expect to see a reformation in this affair, the foundation of it must be laid in the better education of youth. The state may make as many Acts of Parliament as it pleaseth, for security of the Church, yet they will not do, unless the inclinations of youth

youth are won by a fair conviction, whilst the Civil power is plying them with a regard to their temporal interest.

Obj. But it may be said, that a treatise that should comprise those severals I have mentioned, would be too burdensome to the memories and too difficult to the understandings of children, and therefore wholly improper for their use.

Sol. I answer 1st, If we consider how ambitious most Protestant parents are to instruct their children in that shorter Catechism, and how dexterous many children are at it; we shall easily believe that though it were much larger than it is, yet by the Clergy's continual care, in exhorting parents and schoolmasters to their duty in this particular, children would at last perfectly master it; especially if some of those many unnecessary books, that are usually taught in schools were laid aside, to make way for this much more useful instruction.

But 2^{dly}, As to the difficulty of the things contain'd in such a treatise; it is not, I suppose, imagined by any, that children do fully understand the things contain'd in the shorter Catechism when they first lay them up in their memories. All I presume the Church intended, by prescribing that form of instruction to those tender years, was, that their minds might be stored with a form of sound words and saving truths, which, when age shall have ripen'd their judgments to a due perfection,

they will then readily comprehend; and this may with equal justice be said, in favour of a more full or concise form of instruction.

And now, if 20,000 children were yearly cloathed and instructed after this manner, in the true foundation of the Protestant religion, and were besides this taught to read and write, and cypher, and a competent number of them were every year put out to trades, I do not question but all good men will think the money laid out, much more to the credit and advantage of religion, than if it were spent in purchasing titles and manours to aggrandize the families of Bishops; and yet all this might be done by an honest application of the superfluous income of Bishops.

Obj. But the expediency of a law is not enough to recommend it, if it be contrary to justice and equity; and therefore, unless the Legislature can *de jure*, as well as *de facto*, withdraw such a proportion of the Bishops income from them, it is in vain to devise methods of applying it; this would be only to persuade the Legislature to Sacrilege, that we have been all this while declaiming against in Bishops.

Sol. To this I answer 1st, Our Bishops practice with respect to these leases, is *argumentum ad hominem*, sufficient to silence their murmurings, whatever proportion of their income, the Legislature shall think fit to withdraw, and to whatever purposes it shall apply it; *for*
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if the Legislature can, *de jure*, for 21 years bestow half their Successors income on their private families, as I said before, it can bestow any other proportion of their income for any assignable number of years, to any other persons and purposes; and if it cannot, I am sure it will be impossible to justify our Bishops present practice as to those leases. But 2^{dly}, The principal reason for which the several Episcopal Sees of Europe have been so amply endow'd, was to enable Bishops to extraordinary works of charity, (of which the times of Popery have left us many noble monuments, and I am sorry to say, our Protestant Bishops have added so few to them) but if Bishops shall almost totally neglect those, and divert their whole revenue to the aggrandizing of their families, the State, which is a considerable sufferer by such neglects, may limit their avarice and apply a convenient proportion of their income to such charitable uses as shall appear most beneficial to the publick; and this is so far from being a Sacrilegious alienation of the Churches revenues, that it is a restitution of those that had been alienated by Bishops, to the original design of those foundations.

Of such a procedure, whereby the goods of the Church that had been dedicated to particular uses, were without scruple applied to others (which were found *pro hic & nunc*, according to the circumstances of time and

place, to be more for the good of religion) we have many instances in the primitive Church. Thus St. *Ambrose* melts down the communion plate of the Church of *Milan*, to redeem some captives from slavery; and when the *Arians* objected this to him as Sacrilege, he clears himself in a very pathetick and moving apology. St. *Austin* disposed of the plate of his Church to the the same purpose. *Aca-cius* Bishop of *Amida* did the same, to redeem 7000 *Persian* captives from the *Roman* soldiers. There are other instances of the like nature that Mr. *Bingham* mentions in his *Antiquities of the Christian Church*; and he there likewise giveth us a law of *Justinian's* to the same purpose, by which the sacred utensils of divine service are prohibited to be sold or pledged, *Excepta causâ captivitatis, aut famis, in locis quibus hoc contingerit, — quoniam non absurdum est, animas hominum quibuscunque vasis & vestimentis præferri.*

By which instances it appears that the primitive Church did not think the most sacred of her possessions, so appropriate to any particular use, but that they might be diverted to others, by which the glory of God and the good of religion might be more effectually promoted; and from the last instance we may see what a great hand the Civil power had in directing this affair; from whence, I think, I may conclude, that the Legislature may resume and apply to truly charitable and holy purposes

purposes any convenient proportion of the Bishops lands or their value.

I must own, I think, it would have been more for the credit of the Episcopal order, that our Bishops should of themselves, have applied a considerable proportion of their income to such holy purposes, than that the Legislature should be forc'd to take the performance of their duty on its self; but their gross negligence or avarice, as to charitable dispositions, do not only justify, but even necessitate the interposition of the Legislature; which may and ought to dispose of their superfluous income to such purposes as shall appear most to the glory of God, and the good of religion; and can there be assign'd, a more noble motive, for the Legislature to exert it self, than those I have mention'd? Can any thing be a greater ease to the State? or ornament to the Church?

I have now done with what I at first propos'd to speak to in this treatise; and though I am sensible those crimes of Simony and Sacrilege that I have alledged against our Bishops, are of a very heinous nature, yet upon the severest review of what I have written, I am not yet convinced that I have wronged them in any particular; if therefore they will needs be angry, the object of their indignation ought to be their own ill conduct; for that is the original I have endeavour'd faithfully to transcribe and justly to reflect upon.

It may perhaps be thought by some that are sway'd by meer names; that those regulations bear too hard on Bishops; that they tend to alter or rather intirely to subvert the constitution of the Establish'd Church: but let such consider that, *the corrupt practices of Bishops are really no part of our constitution; but rather the unnatural excrescencies of an immoderate power that have long deform'd the beauty of an excellent Church: or, as Adrian VI. said in a like case, they are some of those Jonahs, that have rais'd all those storms and tempests with which the Church and state of these Nations have been toss'd for about 100 years past; and we can scarce hope the seas will be quiet till they are thrown over board.*

I readily acknowledge there is a divine and heavenly treasure intrusted with the Bishops of our Church; but, as St. Paul expresseth it, *they have this treasure in earthen vessels;* and I am apt to believe my readers will think, from what hath been said in this treatise, that those are at present *very foul and dirty:* it is well our Church hath declared in her 26th Article, that the efficacy of the ordinances of *Christ*, is not taken away by the unworthiness of those that minister them; otherwise, what hath been here said against our Bishops, might suggest to many conscientious minds, strong doubts and scruples, concerning the validity of any of their administrations.

Obj.

Obj. Before I quit this subject, I must take notice of an objection that may be plausibly urged against this part of my discourse, and might have been better mention'd a few paragraphs before, viz. I have already censured *Woolsey* as guilty of Sacrilege, for applying the revenues of 40 small religious houses, towards the endowment of some Colleges he had built; and yet I here assert the Lawfulness of applying the revenues of Bishopricks towards buying up of Impropropriations for the education of children; which is a practice much of the same nature with the other, and therefore equally criminal.

To this I answer, had *Woolsey* only applied the superfluous income of those houses (and that by a sufficient authority) towards his Colleges, and left a decent subsistence, sufficient to support them and answer the ends and intentions of their several founders; I suppose that neither *Dr. South* nor others would have lash'd his proceedings with such severity; and this is all that is suggested concerning Bishopricks.

Obj. Some perhaps will think, I have handled this subject with too great bitterness and severity as to Bishops.

Sol. To this I answer, I know not but there may be somewhat of justice in this remark, but it is only the event can convince me thereof. If what I have said doth effectually redress those abuses complain'd of, if it reclaims
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our Bishops for the future from the like practices, and inclines them to promote those necessary regulations; I shall then believe that a milder method might perhaps have been sufficient: but if (as I fear they will) they still persist in the same course, I shall think, the application ought to have been more Corrosive; and if another edition of this treatise be at any time thought necessary, I will endeavour to do compleat justice to the subject.

Obj. Others will be apt to say, that seeing the complaint is of Ecclesiastical grievances, the application for redress ought to have been to the Convocation, and not to the Parliament.

Sol. To this a great many answers may be given, and all of them very sufficient; but I shall insist only on these two, 1st, The Convocation could not give a sufficient redress of those grievances. 2^{dly}, It was not reasonably to be expected it would give any.

1st, The Convocation could not give a sufficient redress of those grievances; for many of them have a legal establishment, either by Statute or Common Law; and our Convocation, according to the Statute it is now founded on, can do nothing that is contrariant, or repugnant to the Laws and Statutes of his Majesty's realms; *the matters complain'd of, are of too great importance to be meddled with by a Convocation.*

But

-But 2^{dly}, It could not reasonably be expected that the Convocation, if able, would be inclin'd to give any redress in these matters; for the Lower House is compos'd of Deans, Archdeacons (as stated and constant members thereof) and Proctors; (who are mostly chosen out of the Dignitaries of their respective Dioceses) the Upper House is compos'd intirely of Bishops; and some or other of those regulations affecting both Bishops and Dignitaries (especially the former) in point of interest, it is not reasonably to be expected that either House would cordially promote them; and much less that both should concur (which yet is necessary to the making a Synodical Act) in establishing them; and therefore I think, that the Parliament, as the most disinterested and powerful body, is the proper authority to apply to for redress.

But I am sensible of another objection that very justly ariseth from thence against this whole essay, which I must confess my self unable to give a satisfactory answer to; for it may be justly deemed a presumption, to tender such a rude and imperfect performance as this, to so judicious and awful an assembly as the Honourable House of Commons of *Ireland* is; nothing ought to appear before it, but what is compleat in its kind and will stand the severest test; which I cannot pretend this Essay either is or will. All I can say in favour of it is this, I have endeavour'd to in-
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form my self of the truth of the facts I alledge, as well as I could; and have argu'd from them and the definitions I laid down, as closely and strictly as I was able; and can now aver, that I believe the facts I alledge to be true, the definitions sufficiently clear and adequate, and the arguments I offer conclusive; and yet I am very far from being positive in any of those, perhaps over favourable conjectures.

Obj. I cannot hope but that I shall be likewise charged by interested persons and perhaps by others, with an excess of vanity, in presuming to hope that I could by this Essay overthrow practices, establish'd by so long a custom and supported by such considerable interests.

Sol. But I must beg leave to assure those unkind objectors, that I never entertain'd any such sanguine expectations of the success of this Essay; I knew very well what opposition I was to meet with in such an undertaking; not only from the passions and prejudices of the multitude, but also from very valuable interests of many in great power and authority. All therefore I did or could expect, was to set those grievances the inferiour Clergy had long labour'd under, in silence and submission, in as clear a light as I could; and if that representation obtain'd a favourable and patient perusal, the remedies proposed might perhaps suggest some useful hints, to be enlarged, improved

proved and perfected by the wisdom of that Honourable House; whose close application to the Civil business of the Kingdom, will not allow the Members thereof to dwell long on Ecclesiastical matters.

Yet I should have been very glad, as I said before, that this important subject (which so nearly concerns the welfare of the inferiour Clergy, and indeed the honour of our religion) had fallen into abler hands, that could have done more compleat justice to it; but seeing that fear hath restrain'd some of those abler pens, indolence, or interest, or a conscious guilt of sharing in the like practices of others of them; (for I am perswaded, there is scarcely one Clergyman in the Kingdom, of any long standing in Ministry, that hath not discerned the same failures in the conduct of our Bishops) I have adventured to undertake this difficult and dangerous Province: and having resolv'd on it, whither should I fly for redress, with greater hopes of serving the common interests of the inferiour Clergy, but to that Honourable House, which being superiour to particular offenders, takes it to be its chief glory to do justice on them, and to relieve the oppress'd?

Many of my readers will, I fear, likewise think, from some passages in this essay, that I am a Dissenter in disguise, an underminer of the Establish'd Church and a bitter enemy to Episcopacy,

But

But I must beg leave to assure such, that all those conjectures are wrong; no man hath a greater dislike to the unhappy separations of all sects of our Dissenters from the established Church than I have; nor believeth them more unjustifiable, causeless and criminal than I do; none more sincerely wisheth the firmest settlement and further enlargement of the established Church than I; nor hath any a more venerable regard for Episcopacy, nor believes it more necessary to the being of a Christian Church than I do; but I think all this very consistent with a just, though severe representation, and an earnest solicitation for redress of the corrupt practices of Bishops.

As to my thoughts of Bishops, I freely own, nothing hath given me a greater dislike, to say no worse, to many Modern Bishops, than their apparent readiness to disown, give up or betray, some of the most essential and valuable rights of their order: nay I must go farther and say, they have been all too remiss and negligent in defence of it.

I do not remember to have met with any Author of that order, whilst of it, that hath, for near an 100 years past, appeared in defence thereof, notwithstanding the many rude assaults that have in that time been offered to it. And as for those Presbyters, who have generously undertaken that cause, and by their learned writings, checked the violence of the torrent, that for many years past hath set hard
against

against it; stopped the mouths of the gain-
 sayers; and preserved Primitive Episcopacy in
 tolerable vogue and credit; have they not
 been brow beaten, discountenanced and dis-
 couraged by many of that order? Have they
 not been represented as hot, rash men, void of
 Charity and Christian moderation; so that I
 think it may be truly said, *that the inferiour*
Clergy have with great honour, reasonable
good success, and under great discouragements,
maintained the divine right of Episcopacy in
spite of Bishops.

If instances be required of this, I think I
 am able to produce them.

Obj. Some may perhaps say, the definitions
 I have given of Simony and Sacrilege are not
 sufficiently clear and adequate.

Sol. To this I shall only say, they are the
 best I could devise or find out, and as for
 those who dislike them, if they will substitute
 more compleat and perfect ones in their room,
 I do not doubt, but the same reasonings I have
 offered, may be accommodated to, or dedu-
 ced from them; and so the main arguments
 stand as firm and strong as at present.

Obj. Some may esteem it undutiful or per-
 haps contrary to Canonical obedience, that a
 Presbyter of the Church should thus lay open
 and reflect upon the faults of Bishops.

Sol. To this I answer, I should be as ready
 as any, to throw a veil over the faults of
 those Fathers of our Church, did they seem

to

to affect secrecy in the Commission of them and were inclined to reform their conduct; but when the practices complained of are spread through their whole order almost; when they are open and avowed to the world, and humane laws are alledged to justify them, it is a folly, anxiously to strive to conceal those faults they will not blush to commit and own: too much tenderness for their reputations, is real cruelty to the Ecclesiastick Constitution, that suffers much by their ill practices. The most proper method to deal with such persons is to set matters in a clear and strong light, and to convince them, if possible, of their ill conduct: *And sure no pretence of canonical Obedience, can oblige Clergymen to see themselves and the Constitution ruined, by such uncanonical practices:* and if the pretence of duty, doth not necessarily tie up the Clergy upon such occasions, certainly Bishops cannot expect (after all the hardships they have put upon the inferiour Clergy) that love and affection to their persons should silence them.

The inferiour Clergy are, I think, at present, under the most hard and unhappy circumstances of any body of men in the Nation; they are suspected and hated by many of the Laity, for attaching themselves so firmly to the interest of the Bishops, and endeavouring to varnish over or conceal their faults from the publick view; and yet at the same time, they are impoverished, oppressed and
treated

treated with the utmost disregard by those very Bishops; and it must be confessed, that the inferiour Clergy have, by their great deference and excessive complacency for that order, too much contributed to their own miseries; but should they generally think fit, at length to withdraw from under those servile attachments, whereby they have so long enslaved themselves and their order to Bishops, it might probably be done much to their own advantage and very much to the good of religion: and Bishops would then soon find how much the inferiour Clergy (notwithstanding the many unkind returns made to them) have contributed to the preservation of their grandeur.

But it is not only in their civil or temporal concerns, that the Presbyters of the Church have been thus injured; their spiritual office hath not escaped without many and great invasions. The Bishops on the one hand have ravaged from them many spiritual powers belonging to their order; and even the Deacons, by their instigation and encouragement have on the other hand intrenched too far, I fear, upon their office, in presuming thereby to baptize, to preach and celebrate divine service in the publick congregation; to none of which Ministrations, so far as I can discern, have they any sufficient right or power, *either from their mere and bare Deaconship, considered in itself, according to scripture and its original constitution,*

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tution, or from the Bishops declaration made to them at ordination, which yet are generally thought the grounds thereof; and this will appear by considering them severally.

And 1st. as to their power of baptizing, their claim thereto will, as I said just now, be grounded either 1st. on their Deaconship itself; to which it is supposed inherent from the noted instance of *Philip* the Deacon's baptizing the *Samaritans*, and afterwards the *Ethiopian Eunuch*: or 2^{dly}. on the Bishop's declaration made to them at ordination.

But as to the reason assigned for the first, viz. *Philip* the Deacon's baptizing, it ought to have been carefully observed, 1st. it doth not clearly appear, that *Philip*, who so baptized, was *Philip* the Deacon; it is indeed evident from the 21st of the *Acts*, that *Philip* the Evangelist was one of the seven, i. e. of the seven Deacons; yet it is not evident from scripture, that *Philip* the Evangelist was the *Philip* who baptized the *Samaritans*, and the *Eunuch*: but supposing they all, viz. *Philip* the Deacon, *Philip* the Evangelist, and *Philip* who baptized, were the same person, which I think ought to be granted, because of the great probability thereof,

Yet 2^{dly}. *Philip* the Deacon, might derive his power of baptizing, from other origins than his Deaconship, viz. Either 1st. from the extraordinary gifts of the Holy Ghost he was endued

endued with, of which you may see a large account in the 8th of the Acts of the Apostles; or 2^{dly}. from his being one of the seventy Disciples appointed by our Saviour; of which number, St. Cyprian saith, Philip the Deacon was one.

As to the 1st. the being so endued, or anointed by the Holy Ghost, is looked upon by Dr. Scot, and others, our most eminent Divines, as a sufficient qualification or mission for the Ministry, without any other ordination: and if so, not only Philip, of whom before, but also Stephen, (who is expressly said to be full of faith AND OF THE HOLY GHOST.) And indeed all the other five Deacons must be reputed as members of the Christian Priesthood, or Presbyterate, antecedently to their Deaconship; because the Apostles expressly charge, that the choice should be made of such, as were of good report, FULL OF THE HOLY GHOST and wisdom. But 2^{dly}. The being one of the seventy Disciples appointed by our Saviour was another sufficient title to the Ministry and the powers thereof; for they had been, in his life time, the great gatherers of the Christian Church; and had initiated their proselytes thereinto by Baptism; for tho' it be said, that Jesus baptized more Disciples than John, yet it is said at the same time, that he himself baptized not, but his Disciples; which expression is rather to be restrained to the seventy Disciples, than extended to the twelve

Apostles, but most certainly not to be restrained to the twelve Apostles solely; for if you compare the 9th of St. *Luke*, in which the twelve Apostles are sent abroad, with the 10th of the same Gospel, in which the seventy Disciples are sent out two and two; you will find, *the same charge, and the same powers given to both; the same threatenings denounced against the despisers and rejecters of the ministrations of each of them; and the same success of their several ministries*: so that I can discern nothing of real power, given to the twelve Apostles before our Saviour's death, which was not equally bestowed on all the seventy Disciples; for as to the power of the Keys, granted to St. *Peter*, it seems to me to be but a Proleptical grants or promise thereof; but not actually bestowed on him, till in conjunction with the remaining ten Apostles, he received it after our Saviour's resurrection.

Nay I think I might justly go farther and assert, that the seventy Disciples had a very good right even to the name of *Apostles*. *Tertulian* is express as to the fact, and roundly calls them, *Septuaginta Apostolos*: and I cannot see to what substantive the word ἐξδομήκοντα in the 10th of St. *Luke*, 1st and 17th verses, can, with any propriety of speech, be referred, unless to ἀποστόλῃς, supposed to be understood; besides the word ἐλέγξ in the 1st verse, seems plainly to point at some choice or election of persons made formerly to the same office, and

mentioned

mentioned by the same author, St. *Luke*, which must therefore necessarily refer to the 6th chapter and 13th verse of his Gospel, where it is said; *He* (i. e. Jesus) *called unto him his Disciples, and out of them he chose twelve, whom he also called ἀποστόλους.*

So that the seventy Disciples seem to me to have had a good scriptural right to be called *Apostles*, though out of regard and reverence to the twelve first *Apostles* they seem by the History of the Church to have waved that *Appellation*.

And I must here add, that our *Presbyters* do as properly succeed the seventy, as the *Bishops* do the twelve, and then I will leave the consequence to our *Bishops* consideration.

Yet I readily own, the twelve *Apostles* seem to have had more of our Saviour's familiar converse than the seventy Disciples, to have been more with him in his solitary retirements, and to have been solely with him at his last supper and in his agony; but this argueth rather a particular regard, pre-eminence, and dignity, than the actual possession of any real power.

And therefore, our Saviour must be concluded to have invested the seventy Disciples with the power of baptizing in as ample a manner as he did the twelve *Apostles*; and seeing this power was never withdrawn from them, so far as Scripture History informs us; and that *Philip*, as was said before, was one of them, he must have had, from thence, an undeniable

ble right to baptize after our Saviour's Resurrection; and the same may perhaps be said of those, who probably assisted the Apostles in baptizing 3000 Disciples in one day; of *Ananias*, who baptized *St. Paul*; of *St. Peter's* companions who baptized *Cornelius* and his company; of *Matthias*, *Barsabas*, and others mentioned in Scripture and Church History; for all those seem to have been of the seventy Disciples.

So that we are to deduce Philip's power of baptizing from either of the above said considerations, viz. either from his being endued with the extraordinary gifts of the Holy Ghost, or from his being one of the seventy Disciples, and not from his Deaconship; for the Deaconship, according to its original institution and design, hath not the least tendency to invest a man with any of the powers of the Priesthood or Presbyterate, though it be very consistent with all of them.

And I should think it the most natural and reasonable transition, that that power, which the Apostles had formerly managed, should, when they thought fit to divest themselves thereof, devolve on those that were immediately next in dignity to them, that is, on the Presbyters of the Church.

But since I wrote this, I find by Bishop *Taylor* in a discourse of his about Episcopacy, that what I had laid down, only as a matter reasonable, decent and fitting, viz. the devolution

lution of the Deaconship from the Apostles to the Presbyters of the Church, was held to be a matter of fact by some of the Antients; for as he there saith, *St. Epiphanius* affirms, that *all the first seven Deacons were chosen out of the seventy Disciples*; and *St. Chrysostom*, that *they were all chosen out of the Presbyters of the Church*; which two expressions, though they seem at first sight to clash with one another, are yet very consistent; for all the seventy Disciples were truly and properly Presbyters of the Church, (and perhaps the only Presbyters thereof for some time after our Saviour's Ascension, for we meet with no new appointment or ordination of Presbyters for a long time, though we have an account of many acts of the Presbyters office performed by others than the twelve, and therefore probably by some of the seventy) that being the title which succeeded that of Discipleship, and with which they and their successors have been ever since contented; though, as I shewed just now, they had a good scriptural right to be called *Apostles*, and their successors as just a claim thereto as my Lords the Bishops.

But what *St. Epiphanius* and *St. Chrysostom* do above assert, is a good historical confirmation of what I before quoted from *St. Cyprian*, viz. that *Philip was one of the seventy Disciples*.

Though I will not deny but that the Deaconship might in a small process of time

(when the Presbyters became likewise too much encumbered with the other affairs of the Church) devolve on Laymen, when they were, by a proper authority appointed there-to; and that perhaps in the Apostles time; for even *St. Paul* speaks somewhat magnificently of them, and that in a character distinct from the character of Presbyters; yet this giveth them, *quatenus tales*, no right to the powers of the Priesthood. *But for the first seven, I think I may insist, both from their gifts and discipleship, that they were all members of the Christian Priesthood when they were deputed to the Deaconship; the two offices being no ways incompatible; and they being, all and every of them, possessed of one or rather both the abovementioned qualifications, antecedently even to the institution of the Deaconship.*

But future Deacons, who could not plead either of those qualifications, ought not to have assumed any of the powers of the Priesthood, to which their Deaconship doth not give them the least right or title, considered in itself and according to its original institution and design.

And I must confess, I was much surpris'd to find *Dr. Hickes*, in a treatise written professedly in defence of the Priesthood, so far to countenance the usurpation of Deacons upon it, as to say, page the 32^d and 33^d, that *Deacons have by their office, power and authority, with*
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the leave of the Bishop, to minister in publick prayers, and to administer baptism in a solemn and sacerdotal manner; to offer up prayers, and supplications, and thanksgivings for the people and make intercession for them — that he is the Minister of God for the remission of sins, by spiritual regeneration, — and in God's name to release him, i. e. the baptized person, of his sins, and to promise him the Kingdom of Heaven and everlasting life, and to write his name in the book of life.

And much more of the same nature I might quote from the same Author.

But if all this can be perform'd by a Deacon on account of his office, consider'd according to its original institution, I think the Priesthood perfectly useless, and Dr. *Hickes's* vindication thereof, as insignificant; seeing the best and warmest advocates for the Priesthood do not pretend that any higher powers do belong thereto.

And therefore I can only think, that Dr. *Hickes* hath swum down the current of a popular erroneous opinion, without exactly considering whither at last it would carry him.

Obj. But it may be objected, though it sufficiently appears from what hath been said above, that Deacons, by their mere and bare Deaconship, cannot pretend to the Sacerdotal power of baptizing, ministring in the publick service, preaching, and those others abovementioned; yet the Bishop at the time of their ordination, having

having by his declaration impower'd them so to do, they may lawfully, and profitably to those they minister to, exert those several powers; and this was the 2^d. above mentioned claim of Deacons to the abovesaid Priestly offices.

But even to this claim I must answer, 1st. The Bishops declaration as it stands in the *Ordinal* of the Church of Ireland is not *Collative* of any power to the person then ordain'd, but *Declarative* of a power already belonging to the order of *Deacons*; but how that order came by it, or whence it had it, the *Ordinal* doth not declare. But 2^{dly}. It will be readily allow'd me, I suppose, that a single Bishop cannot by his sole authority collate or impart the power of baptizing to the order of Deacons, and therefore if such a power be Collated to that order, it must be Collated thereto by some *Assembly or Council of Bishops*: now no such Council doth appear in the Records of the Church; for as to the Council of *Eliberis*, which Mr. Bingham quotes for Deacons right to baptize, it's plain from the words produc'd, that that Council did not pretend to confer the power of *Baptizing* upon the order of *Deacons*, but supposed it already invested therewith: and I believe no other Council can be produc'd whether *Provincial or General*, from whose grant, as from an authentick *original*, this power of Deacons baptizing can be derived. But it seems to me to have crept into the Church along with the o-
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ther above-mentioned Priestly powers, not by any publick authority, but by weak and negligent inferences from *Philip's* example, who was consider'd but as a mere Deacon, but of this enough before. But 3^{dly} before we allow the Bishops declaration at *Ordination* sufficient to convey the power of baptizing to Deacons, it ought clearly to appear, That Bishops have authority so to mangle the Priesthood that they may separate the several powers thereof from one another and even from the Priesthood it self, and grant the former without conferring the latter.

But as our *Irish* Bishops, of whose Ordinations alone I speak at present, notwithstanding all their other invasions on the Priesthood, have never yet, *expressly and in terms*, so far as I have been able to discern, pretended to this, I may, I hope, without offence to their Lordships, take leave, at least to doubt the consequence, and to declare that it doth not clearly appear to me, that their Lordships either do, or can at Ordination, confer the above mentioned powers on a Deacon, on the abovesaid Account; because they are powers that seem to belong to the Priesthood or Presbyterate only, which the Bishop doth not even pretend then to confer upon him.

And I think that to assert the contrary, is to allow Bishops a power to frame, institute and establish a *Presbyterate* or *Priesthood* not instituted by our *Saviour Christ*, or his *Apostles*:
if

if the latter could do any such thing, which I very much doubt; for tho' those emphatical words of our Saviour, *as my Father hath sent me, even so send I you*, did certainly convey a great deal of Spiritual power to the *Apostles*; yet they are to be taken in a qualify'd sense, and not to be extended *ad rigorem*, as far as the literal force of them will reach.

But as it is certain the *Apostles* did no such thing, I do not know upon what good grounds we can with any certainty conclude they could do any such thing; and surely then our Bishops will not even pretend to any such instituting power; and yet we must suppose them invested with such a power, before we can allow them, by their bare Declaration at ordination, to confer the several Priestly powers therein mentioned, on a Deacon: for what more sacred or exalted Priestly powers do Presbyters claim, than initiating persons into the Church by Baptism? which confessedly implieth an absolution of Sin; and is by Mr. Bingham shown to have been called the *Great Absolution*; than offering up the praises of the congregation to God? and then preaching authoritatively therein? which are likewise two other methods of absolution.

And yet to all this do Deacons pretend, *ei*-as inherent to their office, of which before, or by vertue of the Bishops Declaration at the time of Ordination.

But as for those who will still obstinately maintain

maintain the Deacons power of baptizing, tho' upon other grounds or reasons; they ought, by all rules of good arguing, to assign and mention them, that they and their proper efficacy may be duly consider'd.

Obj. But it will be said, Deacons do neither absolve in the Congregation, nor do they presume to consecrate the Eucharist.

Sol. That they do not pretend to those powers argueth great ignorance or an excess of modesty in them; for if they can absolve from sins by Baptism, which it's certain all lawful administrators of Baptism do, when the subject is duly qualified, I cannot see any sufficient reason (except you will say, a little niggardliness in the Bishop) why they may not do it likewise in publick prayer; and if they can administer the initiatory Sacrament of Baptism, I can see nothing (except the same reason) in the confirmatory Sacrament of the Eucharist, that should preclude and debar them from consecrating and administering it.

And therefore, I think, the Church of *Ireland* ought well to have consider'd upon what grounds she went, in leaving one of the Sacraments open to Deacons and secluding the other from their administration; lest she should be thought by her enemies, to have made an unreasonable preference, and to have paid, almost a superstitious reverence to the reserved institution.

Obj.

Obj. But it will be further urg'd, Midwives and Laymen, do by the Bishops permission, administer Baptism in cases of necessity, and much more may the Deacons, who have a more solemn appointment thereto.

Sol. I answer, *If we take the liberty to declare and make necessities at our pleasure, and the power of providing for those necessities as we see fit, the most solemn and sacred of God's institutions, will not long escape our usurpations; we should rather consider that it's wholly disagreeable to the wisdom and goodness of God, to imagine that he ever puts us under a necessity of violating his commands, by breaking into those inclosures, with which he hath surrounded all sacred ministrations, and the violations of which he hath sometimes visited, with such an avenging hand. And as to the particular case now under dispute, which is Baptism, I cannot see there can ever be a justifying or excusing necessity for Deacons, Laymen, Midwives (Nay Jews, and Heathens according to the Church of Rome) to break in upon the Priesthood, by presuming to administer it; because, it is not the mere want of Baptism, but the contempt or neglect thereof, where it may be duly had, that doth exclude from the Kingdom of heaven; so that those Baptisms, or rather mere washings, (unless founded upon other than the two above mention'd reasons) are but errors in practice, built upon an error in speculation, viz. the absolute necessity of baptism*

baptism to salvation; and therefore may, without the least hazard to any one, be restrain'd or laid aside for the future.

Were it otherwise, what would have become of many Catechumens in the Primitive Church, who have died without Baptism, though in a readiness for it, and with an earnest desire of it? Nay, *what would become of many Christian infants now a days, who, notwithstanding all the officious invasions of the Priesthood, by Deacons, Laymen, Midwives, Jews and Heathens, to prevent it, do nevertheless depart without Baptism.*

And yet the Primitive Church did assert the salvation of such Catechumens; and I believe there are few, that will peremptorily assert the damnation of those children; that four doctrine, being now pretty much worn off with its sourer parent, the doctrine of an absolute reprobation; which made the cruelty of that opinion sit more easy on the mind.

Obj. I know Mr. Bingham hath amass'd together, in his scholastical History of Lay-Baptism, a great many authorities, to prove the validity thereof; which when well prov'd, would I own, effectually prove the validity of our Deacons Baptism, without obliging the maintainers of it to assign the particular ways or means they come by the power thereof.

Sol. But how miserably he hath fail'd in the attempt is evident to any one, that impartially peruseth that controversy, *twixt him and*
Mr.

Mr. *Lawrence*; who, by the advantage of a better cause, with a much inferior degree of learning, doth defeat and baffle him, in almost every paragraph.

But had the issue of the dispute been otherwise, had Mr. *Bingham* by the clearest and most unexceptionable authorities from Ecclesiastical History, prov'd the validity of Lay-Baptism, so far as such authorities could do it; yet all he had said, would have operated very little against me, who freely acknowledge the practice I oppose, viz. the Baptism of Deacons (on such grounds as are usually assign'd for it, and better I know not) to have spread through the whole Christian Church almost.

It's true, the Apostolical Constitutions, the Council in *Trullo* and *Epiphanius*, deny them them any right to meddle in the Sacraments and other holy mysteries; yet notwithstanding this opposition, the practice went on and was admitted into all particular Churches, and seems to have gotten footing in many of them very early; (though I own I have not been able to learn, who is the first clear instance, after the pretended one of *Philip*, in Ecclesiastical History, of a meer Deacon Baptizing) yet the practice it self, having probably arose from an obvious mistake in Scripture History, is not to be supported by any after authorities.

And therefore, I wish the Church of *Ireland* would review this point, viz. the lawfulness

fullness and validity of Deacons Baptism, in a more careful manner than she hath hitherto done; for it doth not seem to have been, *ex professo*, ever yet, brought under a critical examination by that Church: and if she shall find it not sufficiently supported, let no punctilio's of honour dissuade her from acknowledging the error, by restraining that usurpation of Deacons for the future: for otherwise the continuance of that erroneous practice, after such conviction, will put on a different die, and become a sin of a very deep guilt.

But as to the case of those who have heretofore been baptized by Deacons, which (for the quiet of mens minds it may be necessary to settle) we need not I think be anxiously solicitous about it; for what the Primitive Church did determine as to the salvation of Catechumens, of whom before, may I think, at least with equal justice, be applied to those that have been baptized by Deacons.

But if any (who know themselves or their children, or others under their influence, to have been baptized by Deacons) are convinced and satisfied, by what hath been here said, or by other arguments, of the invalidity of Deacons baptism, they ought, I think, to tender them to the Presbyters of the Church for a real and valid baptism.

But before I quit this point, I must observe to you, that the Ordinal for Deacons, in the

Church of Ireland, doth limit and restrain their power of baptizing to infants, and that in the absence of the Minister only; the words are these, *and in the absence of the Minister to baptize infants.*

But from those two restraints or limitations I must infer these three points, 1st. That the *Church of Ireland* seems by those restraints to think, that the power of baptizing, which the Deacons now exercise, doth not belong to them in right of their mere and bare Deaconship, (which is a point I was just before endeavouring to establish) for then she must have extended their power of baptizing to *adult persons* as well as to *infants*, and that as well when the Minister was *present* as when *absent*. 2^{dly}. A further, and I think, a more unavoidable consequence doth issue from those restraints, *viz.* it thence followeth, that the baptism which Deacons do now administer must be of a different nature from that which *Philip* the Deacon did administer, (who yet is thought to be the great *Exemplar* of Deacons Baptism) for he, so far as Scripture History informs us, baptized only *Adult persons*, *viz.* the *Samaritans both men and women, who believed him preaching concerning the Kingdom of God and the Lord Jesus Christ*, and the *Ethiopian Eunuch* who believed *Jesus Christ to be the Son of God*. And therefore those two baptisms, *viz.* *Philip's* and our Deacons must be thought of a different nature,

ture, because the object of the former is denied and prohibited to be an object of the latter. ^{galy} Seeing the Church of Ireland in her present Ordinal, hath thought fit to lay those restraints on the Deacon's power of baptizing, though none of them are in the Ordinals of the third and fifth of Edward VI. as I find by the learned and Right Reverend the Lord Bishop of London in his *Codex Juris Ecclesiastici*, (for I could not procure a sight of those Ordinals) it's probable whenever she cometh to a review of her present Ordinal, and to examine the matter more critically, she will lay the baptism of Deacons intirely aside.

And what I have said against Deacons baptizing is as conclusive, *Mutatis mutandis*, against their praying and preaching in the publick Congregation, for all those powers seem to have been claimed by Deacons, from their mistaking Philip (who did as well pray and preach in the Congregation as baptize) for a mear Deacon; and if so, Deacons ought for the future to be prohibited all those powers, and confined to their primitive and peculiar Office, if it shall be found fitting to continue it in the Church; for I must own, that office doth not seem to me to have been at first intended, to be either perpetual and always necessarily to continue in the Church, or universal, and to be established in all Churches; so that I think the Church hath a power, wholly arbitrary therein,

therein, to continue it or not; and therefore, if it shall be thought fit to continue it, I shall think it rather a compliment to Antiquity, than a matter of strict duty, incumbent on the Church so to do: for as the occasion of it or the reason for instituting that office, seems to have been both temporary and local (*viz.* the overflowing charity of the Primitive Christians at *Jerusalem*, (and afterwards perhaps in other places) who had all things in common, and of whom, as many as had possessions or lands, sold the same and brought the prices or values thereof, and laid them at the Apostles feet, and distribution was made unto all by them) so, I think, the office itself should have been temporary and local; and is perhaps sufficiently succeeded in, by our Churchwardens, Sidesmen and Overseers of the poor; whose office, comes the nearest of any in our Church, to that of the Primitive Deacons.

And if it shall be thought fitting by our Bishops, wholly to lay that office aside, that hath introduced such nullities and irregularities into the Christian Church, they have a sufficient power in themselves to do it, without offering the least injustice to any man whatsoever, *viz.* by ordaining those to the Priesthood that are already Deacons, and by forbearing to ordain any more to the office; and no law of the Church or State, doth, as I think, compel them to do otherwise.

As to what *Epiphanius* saith, that a Church cannot be without its Bishop and Deacons, it will, I believe, be allowed to be an expression too hasty; and for which there is no sufficient foundation, either in law or reason or Scripture.

Nor can the laying aside the office of Deacons, prejudice or in the least impeach the regular succession of Presbyters; for we are not to think the Deaconship a necessary step to the Presbyterate, though it be the usual one; for seeing there are many instances in Church History of mere Laymen that were immediately consecrated Bishops, without passing through the intermediate orders of Deacon and Presbyter, viz. *St. Ambrose*, *St. Cyprian*, and others, No man, I suppose, will be so absurd, as to deny that a mere Layman may likewise be ordained a Presbyter, without passing through the intermediate order of Deacon. Besides, Presbyters were before it.

Bishop Taylor, in a Consecration Sermon preached in *Dublin* in 1660. layeth it down for a great truth, that the Diminution of Episcopacy was first introduced by Popery; which assertion will certainly be allowed by all those that are in the least acquainted with the modern history of the Church; but then I must say that, the Pope in all he did towards that diminution did but copy the politicks of our Bishops, in their conduct towards the Presbyters

of the Church for many ages before : for as the Bishop there intimates, that that diminution was brought about by the Pope's communicating special graces, that is, licenses to Abbots and other mere Priests, to exercise some essential offices of Episcopacy, which he saith, hath made that sacred order cheap and easy to be invaded; so, I think, I may with equal justice say, that Bishops by making declarations and granting licenses to Deacons, who are by their office mere Laymen, to exercise almost all the offices of the Priesthood or Presbyterate, have made that sacred order cheap and easy to be invaded.

And I fear I may make this further observation on this part of the conduct of our Bishops; that it's very probable, that they, by imparting almost all the powers of the Priesthood to Deacons, (whose office, to any one that reads the Chapter of its institution, will appear a meer secular employment) have emboldened and encouraged the Independents and other Sectaries to invade and assume the whole Priesthood.

And therefore they cannot I think, with any decency complain of the Pope's unkind invasions on them, *till they have reformed the much greater invasions they have made on the Presbyters of the Church, for*

— — — *non lex est justior ulla, &c.*

But

But whatever becometh of those conjectures, the History of the Church, will warrant and bear me out in saying, that the Presbyters thereof have been miserably ground, from the earliest times almost of Christianity, betwixt the Bishops and Deacons; nor can I, without injustice, exempt some of the most venerable names of Antiquity, from an hand in that oppression.

And as the power and dignity of the Presbyters did decrease, till at last it dwindled into small dimensions; (for the united splendor of Bishops and Deacons did so far eclipse them that for many of the first ages of Christianity they make but a sorry figure in Church History) so did the power of Deacons proportionably encrease and flourish for many ages; and the great blow given to the further increase of their Dignity, seems to have been the chusing the Archdeacon out of the Presbyters of the Church, (which however was not done for many ages) for in him they lost a main support.

But before that, so partial were the Bishops towards that order, that they were usually called, as I said before, the Bishops eyes and ears, his mouth, his right hand, and his heart.

Which appellations, though very fantastical in themselves, yet denoted the great affection of Bishops towards them, and could

not but be introductory to the usurpation of a great deal of power.

But besides, according to Mr. Bingham, St. Cyprian saith, they were called *ad altaris ministerium*; by *Opatus* they were allowed to have an inferiour degree of *Priesthood*; and by St. Austin to be, *sibi consecradores*: they did in some places presume to consecrate the Eucharist; to reconcile Penitents by the Bishops delegation; and were often their Representatives in General Councils, and voted in their Names: Nay they are by the author of the Constitutions called, the *Bishops Prophets*; and *Angels*, which latter expression, though, if it be considered according to its primary and etymological sense, it could do them no great service or credit, yet if we observe, that the word *Angel* was then become a *Technical* term in Ecclesiastical affairs, and that it was by St. John, in his *Revelations*, applied, as a title of great dignity and honour to the Bishops of the seven Churches in *Asia*, it could not but imprint a great deal of reverence for that order, in the minds of a people that were already too much inclined to heap pompous titles on it.

The Archdeacon, though but a meer Deacon, not a Presbyter of the Church for many ages, as I said before, was grown to such an excess of power, by the many honorary and profitable employments thrown upon him, by

by the Bishop, that by that and the Bishop's management in his life time, he was often appointed his successor.

These encroachments could not to be sure, but very much soure and exasperate the Presbyters against the Deacons, but by the Bishops great propensity and favour to the latter, they easily slighted and overcame all opposition that was made to them.

I have indeed wondred, that St. *Jerome*, who, upon several occasions, was sufficiently incensed against them, did never fall upon the proper topik for curbing and humbling them, by shewing all their ministrations in the Priestly offices to be plain usurpation, founded in a mistake of Scripture History and the partiality of Bishops.

And he could have done it with much greater advantage than it can now be done, because many necessary materials for information in this particular, have since his time probably perished.

It's true the Deacons were by Canon obliged to pay some ceremonious regards to the Presbyters of the Church, but such enforced, formal respects from persons of superiour wealth and power (which was truly the case betwixt the Deacons and Presbyters) are really but a solemn banter and ridicule to those they are paid to.

I am sensible, nothing could more irritate our Bishops, than laying open those sores, with

so much freedom as I have done; they would not have their actions viewed, but with a sacred awe, and religious regard; nor would they have the most gentle hand to touch upon their faults; and I must own, they have found the world too compliable with their desires; but what hath been the consequence? hath this tenderness and regard for their reputations, persuaded or shamed them into a better practice? No, it hath rather emboldened them to proceed from one corruption to another, till the blemishes of that order are become in the opinion of many, the last and most unanswerable argument against our religion; for, I fear, I may say, the conduct of our Bishops, whether really criminal, or only supposed so, is at present a main incentive to our Dissenters to continue their unhappy separation; and therefore the most probable way perhaps to heal up the breach, is a strict and severe reformation of the several corrupt practices of that order: these are popular arguments to persuade our Dissenters still to separate from us; and are indeed an offence to almost all those of our own communion; the one seeth them with a malicious joy and pleasure; the other, not without an inward trouble and concern; for I may venture to say, there is not the hundredth man of our Church, that doth not inwardly condemn and wish a reformation of those particulars in our Bishops.

And

And whenever this is attempted in good earnest and with vigour, a method may be suggested, by which all that is essentially necessary to Episcopacy (even according to the highest expressions of the most rigid defenders thereof) may be preserved, and yet a door may be opened to let into our Church, the most numerous and least heterodox party of our Dissenters, I mean the Presbyterians; and which, I am persuaded, most of them would gladly enter in at, on those terms: but it is enough to have hinted this for the present.

Now therefore to return, after a long and undesigned digression, (which yet I hope will not by my readers be thought altogether useless and unnecessary) to the hardships which the inferiour Clergy suffer, from the ill conduct and injustice of Bishops, in their temporal concerns.

The poverty of many of them is part of the complaint of some Dissenters against our Ecclesiastical Constitution; but what principles of policy should incline our Bishops to reduce them to such a pitiable state is not easily determined (*unless they would establish a Pope in every Diocese*) though the mischiefs, that ensue from thence to religion, are very many and very obvious.

The care that doth most strongly impress itself on a man, is to provide a necessary subsistence for himself, and those that depend upon

on him: when therefore Clergymen find that their whole poor income, will scarcely, with the most frugal management reach so far, they will have but little inclination to lay out any part of it on books for their further improvement in learning; and as little can the poor expect for their relief, from such necessitous and indigent persons: what a sad condition, now is that religion in, whose Clergy can neither defend it by their learning, nor adorn it by their charity and good works? and yet this is the necessary consequence of the present conduct of our *Irish Bishops*; so that had they concerted the ruin of religion, they could scarce have found a more compendious and sure way to it, than what their present measures offer them.

Sir Henry Spelman in the above named treatise tells us, that Lord Coke had observed, the Primitive Church had two grievous persecutors, *Diactesian* and *Julian*; the former intending to extirpate Christianity, *occidit omnes* (i. e. *plurimos*) *Presbyteros*, but the Church rather flourished the more for this, for *sanguis martyrū semen Ecclesiæ*.

The other therefore went a more sure and politick way to work; for he, *Occidit Presbyterium ipsum*, but how did he do this? By robbing the Church, spoiling spiritual persons, and taking from them what they had to live upon; and what was the consequence? he saith, that in a short time ensued great ignorance

norance of true religion, and the service of God, and thereby a great decay of the Christian profession.

I shall leave the application of this hint to our Bishops, and conclude all with a saying of Panormitan's, *Ad tenuitatem, beneficiorum, consequitur ignorantia sacerdotum.*

————— *Pudet, hæc opprobria vobis,
Et dici potuisse, & non potuisse refelli.*

F I N I S.



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God, and thereby a great decay of the Chris-
tian profession.
I shall leave the application of this hint
to our Bishops, and conclude all with a
laying of Paraphrase, in which I have
expressed, consequently, my own senti-
ments.

— I have, but observe that
the first point, I have already said.



Errata corrigenda.

Page 4. line 22. after practice read from thence, p. 16. l. 20. for rule r. right, p. 21. l. 28, and 29. r. family, p. 25. l. 24. for it r. them, l. 25. after jocosely, dele a, p. 39. l. 19. after poverty r. of many, p. 43, 44. 45. l. 9. 20. 3. r. mobiles, p. 52. l. 24. d. parenthesis, p. 65. l. 14. d. these, p. 69. l. 7. d. other, p. 77. l. 16. after that r. a, p. 85. l. 29. after fabulas r. or Canterbury tales, p. 96. l. 8. after whilst r. there, p. 110. l. 19. before Vicar r. Lay, l. 20. after general r. it may be, p. 111. l. 11. after or r. Lay, p. 120. 123. l. 15. 31. for Fog r. Foy, p. 129. l. 13. r. statute, p. 130. l. 2. r. Chanter, p. 138. l. 21. d. likewise, l. 22. r. endeavouring, p. 144. l. 11. r. Delphos, p. 154. l. 29. r. indiscreetly and impiously, p. 169. l. 10. r. necessary, p. 178. l. 10. after them r. with proper answers to their sophistical arguments, p. 179. l. 2. r. won, p. 188. l. 11. for hope r. expect, p. 196. l. 17. r. grant, p. 217. l. 29. after solemn r. legal.

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